

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2017

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.Nos.33079 to 33082 of 2017
WMP.Nos.36501 to 36504 of 2017

The Assistant Provident Fund Commissioner,
Employees Provident Fund Organization,
Regional Office, Bhavishyanidhi Bhavan,
Dr.Balasundaram Road,
Coimbatore - 641 018. Petitioner
in W.P.Nos.33079 & 33080 of 2017

The Regional Provident Fund Commissioner,
Employees Provident Fund Organization,
Regional Office, Bhavishyanidhi Bhavan,
Dr.Balasundaram Road,
Coimbatore - 641 018. Petitioner
in W.P.Nos.33081 & 33082 of 2017

-vs-

The Presiding Officer,
Employees Provident Fund Appellate Tribunal,
Scope Minar Core-II,
4th Floor, Lakshmi Nagar,
New Delhi - 110 092. 1st respondent in all WPs

M/s.Havukal Estate No.1,
Havukal Estate,
Kotagiri - 643 217.
The Nilgris. 2nd Respondent
in W.P.No.33079/2017

Tuttapullam Estate No.1,
Tuttapullam Estate - Upper Division,
Tuttapullam Post,
The Nilgris - 643 242. 2nd
respondent
in W.P.No.33080/2017

M/s. Akkamalai Estate,
The Peria Karamalai Tea & Produce Co.Ltd.,
Valparai - 642 127.
Coimbatore District. 2nd respondent
in W.P.No.33081/2017

M/s. Nadumalai Estate,
The Peria Karamalai Tea & Produce Co.Ltd.,
Valparai - 642 127.
Coimbatore District.

.. 2nd respondent
in W.P.No.33082/2017

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India seeking a writ certiorari to call for the records relating to the proceedings of the first respondent dated 18.09.2014, 18.09.2014, 26.05.2014 and 26.05.2014 in ATA Nos.483(13) 2011, 490(13)2011, 804(13)2012 and 805(13)2012 respectively, and quash the orders passed therein.

For petitioners : Ms.R.Meenakshi
For R1 : V.Jeyaprakashnarayanan, Spl.GP

COMMON ORDER

Challenging the impugned orders dated 18.09.2014 and 26.05.2014 passed by the first respondent / the Presiding Officer, the Employees Provident Fund Appellate Tribunal, New Delhi, the petitioners have filed these writ petitions, after a lapse of 3 ½ years. In the impugned orders, the first respondent Tribunal had refused to recover the interest and damages on the remittance made by the second respondent herein. Since the orders were passed as early as on 18.09.2014 and 26.05.2014, the present writ petitions filed after a lapse of 3 ½ years by the petitioners who are serving as Assistant Provident Fund Commissioner and the Regional Provident Fund Commissioner, deserve to be dismissed on the ground of laches.

2. Besides, it is well settled law that the delay defeats justice and equities. Equity favours a vigilant rather than an indolent litigant and this being the basic tenet of law, the question of entertaining the prayer of the petitioners, who are serving as Assistant Provident Fund Commissioner and Regional Provident Fund Commissioner, challenging the impugned orders dated 18.09.2014 and 26.05.2014 passed by the first respondent Tribunal, after a lapse of 3 ½ years, does not arise in this matter.

3. Thus, on the ground of laches, the writ petitions are dismissed. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

rkm

To

1.The Presiding Officer,
Employees Provident Fund Appellate Tribunal,
Scope Minar Core-II,
4th Floor, Lakshmi Nagar,
New Delhi - 110 092.

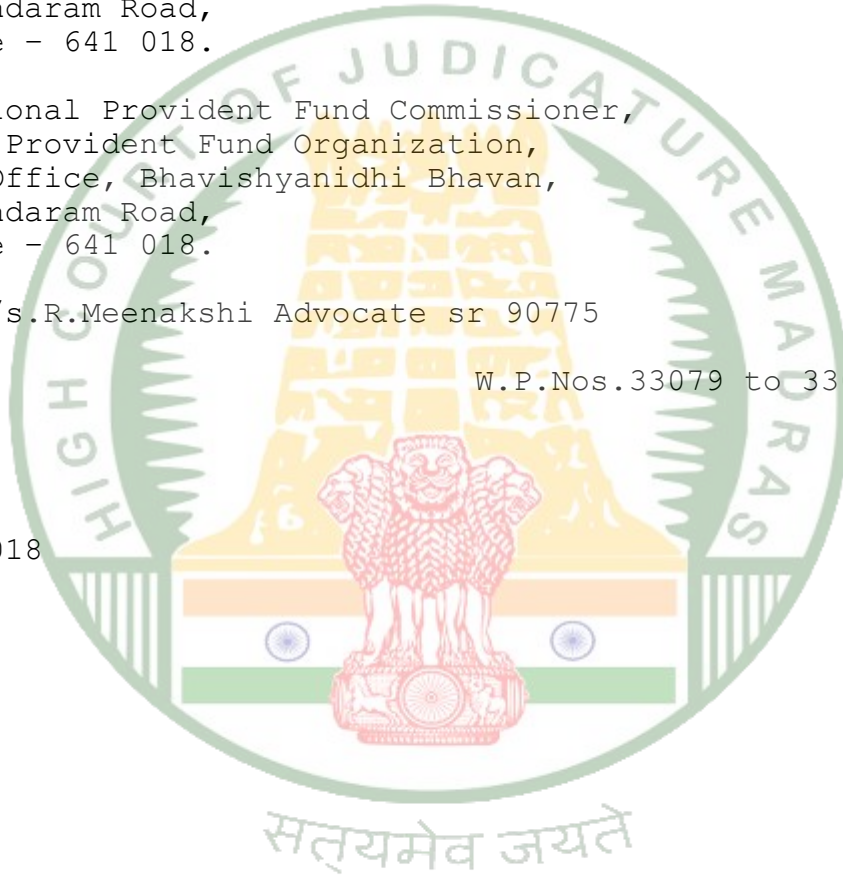
2.The Assistant Provident Fund Commissioner,
Employees Provident Fund Organization,
Regional Office, Bhavishyanidhi Bhavan,
Dr.Balasundaram Road,
Coimbatore - 641 018.

3.The Regional Provident Fund Commissioner,
Employees Provident Fund Organization,
Regional Office, Bhavishyanidhi Bhavan,
Dr.Balasundaram Road,
Coimbatore - 641 018.

+1 c to M/s.R.Meenakshi Advocate sr 90775

W.P.Nos.33079 to 33082 of 2017

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