

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE K.K. SASIDHARAN
and
THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.A.No.338 of 2017
and C.M.P.No.5165 of 2017

M/s.Trip Go Trip Tourism Pvt. Ltd.,
rep. By its Managing Director
No.19/1, Shreyas, 7th Street,
Tatabad, Coimbatore - 641 012.

.... Appellant/Petitioner

-vs-

1. The Presiding Officer,
Employees Provident Fund,
Appellate Tribunal, Bengaluru.
2. The Asst. Provident Fund Commissioner,
Dr.Balasundaram Road,
Coimbatore - 641 018.

.... Respondents/Respondents

PRAYER:

Writ Appeal filed under Clause 15 of Letters Patent against
the order passed in W.P No.541 of 2017 dated 09.01.2017.

Prater in W.P No.541 of 2017:-

To issue a Writ, order, or direction more specifically in
the nature of Writ of Certiorarified Mandamus calling for
records of the 1st respondent in Appeal No.A/TN-117/2016 dated
20.12.2016 and quash the same and consequently directing the 1st
respondent to condone the delay and take the appeal for
admission on merits within time limit fixed by this Honourable
court.

For Appellant : Mr.S.Gunalan

For Respondent : Mr.R.Thirunavukkarasu - R2
R1-Tribunal

J U D G M E N T

[Judgment of the Court was delivered by
R.SUBRAMANIAN,J.]

Challenge in this Writ Appeal is to the order of the learned single Judge dated 09.01.2017 made in W.P.No.541 of 2017, in and by which the Writ Petition filed by the appellant challenging the order of the Appellate Authority, Employees Provident Fund Organisation, rejecting the appeal on the ground of delay, was dismissed by the learned single Judge.

2. The learned single Judge dismissed the Writ Petition on the ground that the Employees Provident Fund Act provides for condonation of delay of 60 days only and any delay beyond the statutory period fixed under the Act cannot be condoned, in the sense, Section 5 of the Limitation Act would not apply as a specific period is fixed by the enactment itself.

3. This position of law has been reiterated by the Honourable Supreme Court in the case of Union Of India vs Popular Construction Co ((2001) 8 SCC 470).

4. In view of the same, we do not find any merit in the Writ Appeal and the same is dismissed. However, there will be no order as to costs. Consequently, the connected miscellaenous petition is also dismissed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

sl

To

1. The Presiding Officer,
Employees Provident Fund,
Appellate Tribunal, Bengaluru.

2. The Asst. Provident Fund Commissioner,
Dr.Balasundaram Road, Coimbatore - 641 018.

+1cc to Mr.S.Gunalan, Advocate, S.R.No.48755

+1cc to Mr.R.Thirunavukkarasu, Advocate, S.R.No.49275

W.A.No.338 of 2017
and C.M.P.No.5165 of 2017

AK(Co)
CS/10/08/18