



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.04.2021

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P. (MD) No.18777 of 2013

and

M.P. (MD) No.1 of 2013

WEB COPY

L.Murugan

... Petitioner

Vs.

1.The Assistant Provident Fund Commissioner,
Employees Provident Fund Organization,
(Ministry of Labour and Employment),
Government of India, Sub Regional Office,
Bhavishya Nidhi Bhawan,
N.G.O.'B' Colony,
Tirunelveli-7.

2.The Regional Provident Fund Commissioner,
Employees Provident Fund Organization,
Tirunelveli,
Tirunelveli District.

3.The Government of India,
Department of Space Liquid Propulsion Systems Centre,
Mahendragiri-627 133,
Kavalkinaru Via,
Tirunelveli District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the constitution of India, to issue a writ of Certiorari, to call for the impugned order dated 23.09.2013 made in No.TN/TNY/89067./PDC(1)/8F0097/2013 passed by the first respondent and quash the same as illegal forthwith.

For Petitioner	: Mr.K.Prabakaran
For Respondents 1 & 2	: Mr.K.Muralishankar
For Respondent 3	: Mr.S.Balasubramanian
	Central Government Standing Counsel

ORDER

Heard Mr.K.Prabakaran, Learned Counsel for the Petitioner, Mr.K.Muralishankar, Learned Counsel for the First and Second Respondents and Mr.S.Balasubramanian, Learned Central Government Standing Counsel for the Third Respondent and perused the materials placed on record.

2. The Petitioner has challenged the order No.TN/TNY/89067./PDC(1)/8F0097/2013 dated 23.09.2013 passed by the First Respondent under Section 8-F of the Employees Provident Funds and Miscellaneous

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Provisions Act, 1952 (hereinafter referred to as 'EPF Act' for short) attaching a sum of Rs.93,327/- from the account of the Petitioner with the State Bank of India, Nagaercoil towards provident fund dues.

3. Though the Petitioner has raised a contention that he has not been served with any prior order determining liability for the amount claimed in the impugned order, it is pointed out by the Learned Counsel for the Respondents that the assessment of liability of the Petitioner for provident fund dues has been made under Section 14-B and 7-Q of the EPF Act by orders No. TN/TNY/89067./14B/100200/PDC(1)/2013&No. TN/TNY/89067./7Q/100200/PDC(1)/2013 dated 21.06.2013, which have been delivered at the Petitioner by registered post on 25.06.2013 and copy of postal acknowledgement card has been produced for the same. If the Petitioner had been aggrieved by those orders passed by the First Respondent, he ought to have filed an appeal under Section 7-I of the EPF Act within 60 days from the date of its receipt before the Appellate Authority, who has been empowered to condone the delay in filing such appeal for an extended period of 60 days, if sufficient cause for not preferring appeal within that period is made out. It is not in dispute that the Petitioner has not filed any such appeal under Section 7-I of the EPF Act before the Appellate Authority within the maximum period of 120 days from the date of receipt of the said order, which has attained finality and the discretionary jurisdiction of this Court under Article 226 of the Constitution of India, 1950, also cannot be invoked for that purpose as per the decision as held by the Hon'ble Supreme Court of **India in Assistant Commissioner (CT) LTU, Kakinada vs. Glaxo Smith Kline Consumer Health Care Limited** (Order dated 06.05.2020 in Civil Appeal No.2413 of 2020). In such circumstances, there does not appear to be any justification to stall the consequential action for recovery of the provident fund dues in accordance with law.

4. In the result, the Writ Petition is dismissed. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar (CSIII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.



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+1 CC to M/s.K.MURALI SANKAR, Advocate (SR-17216[F] dated 23/04/2021)

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PM(CO)

KB(11.05.2021) 3P 2C