



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2022

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 33310 of 2016

Cherraan's Arts Science College
rep. by Manager HR
Cherran Nagar
Kangaiyam - 638 701
Thirupur (DT)
Tamil Nadu.

...Petitioner

-vs-

1. Employees' Provident Fund Organization
Sub-Regional Office,
SJ.Plaza, Swarnapuri
Salem - 636 004.

2. The Employees Provident Fund Appellate Tribunal,
Scope Minar, IV Floor,
Core-2 Laxmi Nagar,
Delhi - 110092.

3. The Recovery Officer,
Sub-Regional Office,
SJ.Plaza, Swarnapuri
Salem - 636 004.

...Respondents

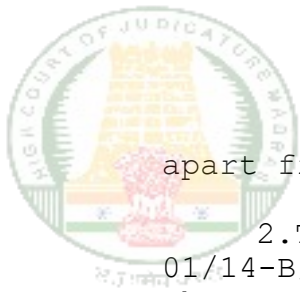
Prayer:-Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, to quash the order passed by the First Respondent in proceedings No. TN/SLM/SRO/PDC/34505/ED-01/14-B/2015 dated 31.03.2015.

For Petitioner : Mr. T.Thiageswaran for
M/s. Waroon & Sai Rams Associates

For Respondents: Mrs. R.Meenakshi

O R D E R

Heard Mr. T.Thiageswaran, Learned Counsel appearing for the Petitioner and Mrs. R.Meenakshi, Learned Counsel for appearing for the Respondents, and perused the materials placed on record,



apart from the pleadings of the parties.

2.The First Respondent by order No. TN/SLM/SRO/PDC/34505/ED-01/14-B/2015 dated 31.03.2015 had levied penal damages against the Petitioner under Section 14-B of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (hereinafter referred to as the 'Act' for short). The Petitioner was entitled to prefer appeal against that order under Section 7-I of the Act within a period of 60 days from the date of its receipt in terms of Rule 7(2) of the Employees' Provident Fund Appellate Tribunal (Procedure) Rules, 1997, before the Appellate Authority, who has been empowered to condone 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. However, the Petitioner did not prefer any such appeal before the Appellate Authority, but has instead filed this Writ Petition on 15.09.2016 challenging the order passed by the Respondent beyond the maximum limitation period of 120 days from the date of receipt of copy of that order.

3.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) has emphatically laid down that the High Court in the exercise of powers under Article 226 of the Constitution of India ought not to entertain Writ Petition assailing the order passed by a Statutory Authority which was not appealed against within the maximum period of limitation before the concerned Appellate Authority. In view of that legal position, it is not possible to entertain this Writ Petition challenging the order of the First Respondent.

In the result, the Writ Petition is dismissed. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

Maya

To

1. Employees' Provident Fund Organization
Sub-Regional Office,
SJ.Plaza, Swarnapuri
Salem - 636 004.



2. The Employees Provident Fund Appellate Tribunal,
Scope Minar, 4th Floor,
Core-2 Laxmi Nagar,
Delhi - 110092.

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3. The Recovery Officer,
Sub-Regional Office,
SJ.Plaza, Swarnapuri
Salem - 636 004.

+1cc to M/s.R.Meenakshi, Advocate, S.R.No.35387

W.P. No. 33310 of 2016

AK-II(CO)
RGA(21/06/2022)