



W.P(MD)No.9736 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.04.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.9736 of 2023
and
W.M.P(MD)No.8580 of 2023

M/s.Ruben Educational and
Charitable Trust,
4-70A, Thadikkarankonam Junction,
Kanyakumari District – 629 851,
Represented by its Chairman.

... Petitioner

Vs

The Assistant Provident Fund Commissioner,
Empoyees' Provident Fund Organisation,
Regional Office,
65-A, Water Tank Road,
Nagercoil – 629 001.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records of the impugned order passed by the respondent herein File No.TN/NGL/ENF/C32/75126/7A Proceedings/2022 dated 03.11.2022 and quash the same.



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For Petitioner : Mr.M.Elanchezhian
For Respondent : Mr.Mohamed Athif
Standing Counsel

ORDER

Heard the learned counsel on either side.

2. The order impugned in the writ petition passed under Section 7(A) of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 is appealable before the Tribunal. It appears that time of filing the appeal has expired. The petitioner has given convincing reasons in the affidavit filed in support of the writ petition. Even if the statutory remedy cannot be availed, in exceptional circumstances, challenge can be maintained under Article 226 of the Constitution of India.

3. Instead of taking recourse to that mode, I permit the petitioner to file an appeal before the Tribunal within a period of four weeks from the date of receipt of a copy of this order. If within the said period an appeal is filed, the same shall be entertained without reference to limitation and disposed of on merits.



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4. With this liberty to the petitioner and direction to the learned Tribunal, this writ petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

24.04.2023

Index : Yes / No
Internet : Yes/ No
NCC : Yes / No
MGA

Note: Issue Order Copy on 25.04.2023.

To

The Assistant Provident Fund Commissioner,
Empoyees' Provident Fund Organisation,
Regional Office,
65-A, Water Tank Road,
Nagercoil – 629 001.



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G.R.SWAMINATHAN, J.

MGA

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