



W.P(MD)No.29223 of 2

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.12.2023

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THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.29223 of 2023

and

W.M.P(MD)No.25268 of 2023

M/s.Jayaram College of Engineering and Technology,
Represented by its Chairman and
Managing Trustee M.Subramanian,
Pagalavadi, Karattampatti,
Thuraiyur, Trichy District.

... Petitioner

Vs.

1.The Presiding Officer,
Central Government Industrial Tribunal-cum-
Labour Court & EPF Appellate Tribunal,
Ministry of Labour & Employment,
Government of India, 1st Floor, "B" Wing,
No.26 Haddows Road, Shastri Bhavan,
Nungambakkam, Chennai-600 006.

2.The Assistant Provident Fund Commissioner,
Employees' Provident Fund Organisation,
Regional Office, P.B.No.588, Shree Complex,
'D' Block, No.18, Madurai Road,
Trichy-620 008.

3.The Recovery Officer,
Employees' Provident Fund Organisation,
Regional Office, P.B.No.588, Shree Complex,
'D' Block, No.18, Madurai Road,
Trichy-620 008.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records of the pertaining to the impugned order passed by the first respondent, dated 28.04.2023 vide appeal in EPFA.502 of 2018 - ATA No.461(13)/2016 and quash the same.

For Petitioner : M/s.J.Anandhavalli

For R-1 : Mr.P.Paulpandi
Senior Panel Counsel

ORDER

The present writ petition has been filed challenging an order passed by the first respondent herein on 28.04.2023 dismissing an application filed by the petitioner herein seeking condonation of delay.

2. The learned Counsel appearing for the writ petitioner submits that the appeal was presented by the petitioner with the delay of 225 days which is beyond the period of limitation of 60 days. The said application has been rejected by the first respondent herein on the ground that they do not have any powers to condone the delay beyond a period of limitation. This Court does not



find any reason to interfere in the said order in view of the fact that the first respondent Tribunal do not have any powers to condone the delay beyond a period of 90 days.

3. The learned Counsel appearing for the petitioner submits that prior to attachment order has been issued on 20.07.2023 by the third respondent herein. On instructions, the learned Counsel submits that the petitioner Management is ready to deposit the said amount. However, considering the quantum of amount, they seeks some time and they are ready to pay it in installments.

4. Considering the above said facts, the petitioner Engineering College is permitted to deposit a sum of Rs.24,67,991/- by way of ten equal monthly installments to be payable on 10th day of every English calendar months and the first installment will start from 10.01.2024. If there is any default in anyone of the installments, the respondents herein are at liberty to proceed further in accordance with law.



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5. With the above said observations, this writ petition stands disposed of.

There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

12.12.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

To

- 1.The Presiding Officer,
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Labour Court & EPF Appellate Tribunal,
Ministry of Labour & Employment,
Government of India, 1st Floor, "B" Wing,
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R.VIJAYAKUMAR, J.

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