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W.P.No.795 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :03.09.2024

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No. 795 of 2015

and

M.P.No. 1 of 2015

Central Board of Trustees EPF
Through
Regional Provident Fund Commissioner
Employees Provident Fund Organisation
Regional Office, Tambaram
No. 3, Rajaji Salai, Chennai – 600 045.

... Petitioner

Vs.

1. M/s. Tricom Infotech Solutions Limited,
rep. by its Managing Director,
R.R.Tower III, 3rd Phase,
Thiru-vi-ka Industrial Estate,
Guindy,
Chennai – 600 032.
2. The Presiding Officer,
Employees Provident Fund Appellate Tribunal
7th Floor, No. 60, Skylark Buildings,
Nehru Palace, New Delhi – 110 019.

... Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the proceedings of the second respondent Tribunal dated 07.08.2014 in ATA. No. 702(13)2014, and quash the same.

For Petitioner : Mr. R.Thirunavukarasu

For Respondents : No appearance

ORDER

This Writ Petition has been filed challenging the order of the second respondent dated 07.08.2014, made in A.T.A. No. 702/13/2014.

2. Heard Mr.R.Thirunavukarasu, learned counsel for the petitioner and perused the materials available on record.

3. The learned counsel for the petitioner submitted that the first respondent filed ATA No. 702(13)2014 challenging the order passed under Section 7A of the Employees Provident Funds and Miscellaneous Provisions Act, 1952 (hereinafter referred to as 'the Act' for short) dated



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02.12.2013, before the second respondent on 04.08.2014 (i.e.) beyond the period of limitation. According to the petitioner, Rule 7 of the Employees Provident Fund Appellate Tribunal (Procedure) Rules, 1997, prescribes that an appeal should be filed within 60 days from the date of the order and that the Tribunal has the power to condone the delay of another 60 days, and hence, at any cost, the first respondent ought to have filed the appeal within a period of 120 days and not beyond that.

4. According to the learned counsel for the petitioner, the appeal was filed beyond the delay of 240 days, and it has been admitted, and orders have been passed without filing any petition as to the condonation of delay. He further submitted that the above appeal was disposed on the day of admission itself without even giving any opportunity for the first respondent to make his submissions. However, at paragraph No.3 of the impugned order, the Appellate Authority has recorded that he has heard the learned counsel for the parties.

5. The impugned order was passed on the same day when the



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appeal was admitted i.e., on 07.08.2014. The appeal would have been filed beyond the maximum period of 120 days. It is seen from the impugned order that the appellate authority has not gone into the point of limitation, but has dealt the matter at the request of the appellant. Probably because the appellant had only sought permission to pay the dues determined in installments and did not challenge the validity of the assessment.

6. In fact, in the impugned order, the petitioner was also given with liberty to take steps to execute the order in the event of failure to pay the dues or if any default is committed for making payment as observed in the order. Since the matter did not touch upon the merits of the award, I do not feel that the order requires any interference. As the order was passed on 07.08.2014, by giving accommodation to make payment within 60 installments (5 years) and the 5-years time has also been expired, nothing will prevent the petitioner in going further in pursuant to the Section 7-A order passed by him.



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7. In view of the same, this Writ Petition is closed. Consequently,
the connected Miscellaneous Petition is closed. No costs.

Index : Yes /No
Speaking / Non-speaking
Neutral Citation : Yes / No
kv

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To
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R.N.MANJULA, J.

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