



WEB COPY

W.P.No.26926 of 2024
and W.M.P.No.29444 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.09.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.26926 of 2024
and W.M.P.No.29444 of 2024

M/s.Goms Electricals (P) Ltd.,
Rep. by its Director - E.Goms,
#43, First Main Road, RK Nagar,
Mandaveli, Chennai - 600 004.

...

Petitioner

versus

1.The Assistant Provident Fund Commissioner,
Employees Provident Fund Organization,
37, Royapettah High Road,
Chennai - 600 014.

2.The Recovery Officer,
Employees Provident Fund Organization,
37, Royapettah High Road,
Chennai - 600 014.

...

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records on the file of the first respondent in the 7-A order No.CC2/TN/40225/Enf/Regl/11 dated 31.10.2011 for Rs.12,14,891/- for the period from April 2009 to March 2011 quash the same.

For Petitioner : Mr.G.Babu Rajendran



For Respondents : No Appearance

ORDER

WEB COPY The Writ Petition has been filed challenging the order of the first respondent dated 31.10.2011 made in Ref.No.CC2/TN/40225/Enf/Regl/11.

2. Mr.G.Babu Rajendran, learned counsel for the petitioner submitted that the impugned order has been passed by not appreciating the materials placed by the petitioner and it is not the speaking order.

3. It is learnt that the above order is not an *ex parte* order and the petitioner challenged the same by way of preferring an appeal before the CGIT cum Labour Court & Employees Provident Fund Appellate Tribunal, Chennai and the same has been taken on file in EPFA No.124/2017. But the petitioner had failed to pursue the matter before the Appellate Tribunal, by making due appearance. Due to the failure on the part of the petitioner to contest the matter before the Appellate Tribunal, the same was dismissed for default.

4. The learned counsel for the petitioner submitted that the petitioner was diligently following the EPFA No.124/2017 but due to the



WEB COPY

death of the counsel engaged by him, he lost continuity and that has resulted in the dismissal of his appeal for default. But the petitioner has not challenged the order of dismissal made by the Appellate Tribunal but rather he has challenged the very order which he had already challenged before the first respondent and that cannot be permitted. However, it is up to the petitioner to file any application before the Appellate Tribunal for restoring his appeal, which was dismissed for default, with an application to condone the delay, if any.

5. With the above observations, this Writ Petition is **disposed**. No costs. Consequently, connected Miscellaneous Petition is closed.

20.09.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

sri



WEB COPY

W.P.No.26926 of 2024
and W.M.P.No.29444 of 2024



R.N.MANJULA, J.

sri

W.P.No.26926 of 2024
and W.M.P.No.29444 of 2024

20.09.2024