



W.P.No.8131 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.No.8131 of 2025
and W.M.P.Nos.9103 and 9105 of 2025**

The Central Board of Trustees,
EPFO, New Delhi,
Through The A.P.F.Commissioner-II,
EPF Organisation,
Regional Office,
No.1, LadyDoak College Road,
Chokkikulam,
Madurai-625 002.

... Petitioner

Vs.

1.Tractors and Farm Equipments Limited,
No.35, Nungambakkam High Road,
Chennai-600 034.

2.The R.P.F.Commissioner-II,
EPF Organisation,
37, Royapettah High Road,
Chennai-600 014.

... Respondents



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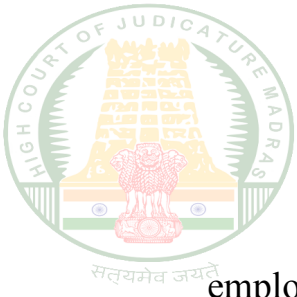
PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, to call for the records relating to the impugned order dated 27.08.2024 passed by the Central Government Industrial Tribunal, Chennai, pertaining to E.P.F.A.No.583 of 2018 and quash the same.

For Petitioner : Mr.P.K.Panneer Selvam
For Respondents : Mr.M.Palanimuthu
for R2

ORDER

This Writ Petition has been filed challenging the order dated 27.08.2024 passed by the Central Government Industrial Tribunal, Chennai, in E.P.F.A.No.583 of 2018.

2. The learned counsel appearing for the petitioner submits that the Regional Provident Fund Commissioner conducted inspection in the first respondent Establishment in order to verify as to how many of the



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employees working in the first respondent and initiated proceedings under Section 7A of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952. After adjudication, the order under Section 7A of the said Act was passed on 12.02.2018, against which, the first respondent preferred an appeal before the Central Government Industrial Tribunal, Chennai in E.P.F.A.No.583 of 2018. The Appellate Tribunal set aside the order and remanded the matter back to the Regional Provident Fund Commissioner-II, Madurai. Challenging the same, the Central board of Trustees has filed this writ petition before this Court.

3. The learned counsel appearing for the petitioner submits that the Circular which was relied on before the Tribunal came into existence after passing the order and it cannot be applied retrospectively and it is applicable only prospectively and the same was not properly adjudicated by the Appellate Tribunal. Hence, the present writ petition has been filed.



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4. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the second respondent.

5. A perusal of the impugned order reveals that the Appellate Tribunal has not set aside the order passed by the Regional Provident Fund Commissioner-II, Madurai, entirely, rather it has merely remanded the matter to the Regional Provident Fund Commissioner-II, Madurai, to decide the case afresh from the stage of show cause notice dated 07.04.2016 issued to the first respondent Establishment. The said order, even otherwise, does not cause prejudice to either of the parties. Therefore, the order of remand passed by the Central Government Industrial Tribunal, Chennai, needs no interference by this Court.

6. Accordingly, this Writ Petition is disposed of. The Regional Provident Fund Commissioner-II, Madurai, who is the Original Authority, is directed to decide the matter on merits and in accordance with same after providing opportunity to the first respondent and conclude the same within



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a period of 12 weeks from the date of receipt of a copy of this order. There shall be no order as to costs. Connected miscellaneous petitions are closed.

10.03.2025

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No
ssb

To

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M.DHANDAPANI,J.

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