



WEB COPY

W.A.No.677 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2025

CORAM

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and**

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.A.No.677 of 2025

and

C.M.P.No.5607 of 2025

M/s.District Programme Co-ordinator -cum-
Chief Educational Officer,
(Sarva Shiksha Abhiyan Scheme now Samagra Shiksha),
100, Gengu Reddy Road,
Presidency MHSS Campus,
Egmore, Chennai – 600 008,
Represented by Chief Educational Officer.

... Appellant

Vs.

1. The Assistant Provident Fund Commissioner,
Employees Providence Fund Organization Regional Office,
No.37, Royapettah High Road, Chennai – 600 014.
2. Union of India, Represented by its Secretary
Department of School Education and Literacy,
Ministry of Human and Development,
Shasthri Bhavan, New Delhi – 110 001.
3. The National Advisory Council,
Represented by its Secretary,
Ministry of Human Resource and Development,
Shasthri Bhavan, New Delhi – 110 001.



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4. The Executive Committee,
Project Approval Board,
Ministry of Human Resource and Development,
Shasthri Bhavan, New Delhi – 110 001.

... Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order dated 31.01.2025 passed in W.P.No.3608 of 2025.

For Appellant : Mr.P.S.Raman, Advocate General
assisted by Mr.U.M.Ravichandran,
Special Government Pleader

For R1 : Mr.R.Vishnu

J U D G M E N T

(Judgment of the Court was made by **S.M.SUBRAMANIAM, J.**)

The order of the Assistant Provident Fund Commissioner dated 28.06.2024 in Case Dairy No.4115 of 2021 was sought to be assailed in the writ proceedings before the learned Single Judge. The order was passed under Section 7-A of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952, by conducting an enquiry and by affording opportunity to the parties.



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2. The learned Advocate General appearing on behalf of the appellant would mainly contend that the Sarva Shiksha Abhiyan programme is implemented nationwide. The scheme is implemented through the Government and therefore, an amount of leniency is to be shown in the matter of initiation of action under the Employees' Provident Funds and Miscellaneous Provisions Act, 1952. An application seeking exemption has been submitted and it is under the consideration. Hence, the writ court ought to have considered the relief sought for in the present writ petition.

3. The writ court considered the submissions of Mr.R.Neelakandan, learned Additional Advocate General and the submissions made by Mr.R.Vishnu, learned counsel for the Employees Providence Fund Organization.

4. Admittedly, no exemption has been granted to the appellant. Any lenient view in settling the statutory liability would undoubtedly result in a



bad precedent and many such similarly placed persons will also claim such benefits which would create an anomalous situation.

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5. Statutory liabilities are to be enforced in the manner contemplated under the Act and Rules. Any misplaced sympathy is impermissible and therefore in the present case, the learned Single Judge has relied upon the Judgment of the Hon'ble Supreme Court in the case of ***“CCT -vs- Glaxo Smith Kline Consumer Health Care Ltd.,”*** reported in **(2020) 19 SCC 681**. The period of limitation, as rightly observed by the writ court, cannot be extended in the exercise of judicial review under Article 226 of the Constitution of India, nor the time limit prescribed can be relaxed by the High Court. All such issues are to be considered by the competent authorities in the manner known to law. However, the learned Single Judge was considerate in allowing the appellant to settle the amount in 15 equal monthly installments. This itself is a concession shown by the writ court and therefore, no further concession needs to be extended in the present writ appeal. Finally, the learned Advocate General would request that the amount to be settled is huge and some more installments may be granted.



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6. Taking note of the facts and circumstances, the appellants are directed to settle the entire amount in 30 equal monthly installments.

7. Accordingly, the writ appeal stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

(S.M.S.,J.) (K.R.S.,J.)
07.03.2025

skr
Index : Yes
Speaking order

To

1. The Assistant Provident Fund Commissioner,
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2. Union of India, Represented by its Secretary
Department of School Education and Literacy,
Ministry of Human and Development,
Shasthri Bhavan, New Delhi – 110 001.
3. The National Advisory Council,
Represented by its Secretary,



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Ministry of Human Resource and Development,
Shasthri Bhavan, New Delhi – 110 001.

4. The Executive Committee,
Project Approval Board,
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S.M.SUBRAMANIAM, J.
and
K.RAJASEKAR, J.

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