



WEB COPY



W.P No. 29285 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.10.2025

CORAM

THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.P No. 29285 of 2023

and WMP.No. 28906 of 2023

M/s.The Palliyadi Handloom Weavers,
Co-operative Production and sale society,
Rep. By its Managing Director,
No. 2489, Valvachkoshtam Village,
Kanyakumari District.

..Petitioner

Vs.

1.The Assistant Provident Fund Commissioner,
EPF Organization, Sub-Regional Office,
43 P/1, Trivandrum Post,
Tirunelveli -627002.

2.The Assistant Provident Fund Commissioner/Recovery Officer,
EPF Organization, Regional Office,
65A, Water Tank Road,
Nagercoil, Kanyakumari District -629001.

3.The Manager,
Kanyakumari District Central Co-operative Bank,
Alexander Press Road,
Nagercoil, Kanyakumari District -629001.

..Respondents



W.P No. 29285 of 2023

Writ Petition is filed under Article 226 of Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the Central Government Industrial Tribunal cum Labour Court, Chennai, Tamil Nadu, 1st Floor, B Wing, Shastri Bhavan, 26 , Haddows Road, Chennai-600006 in M.P.No. 1 of 2023 in EPFA No. 22 of 2021 dated 28.07.2023 dismissing the restoration of the Appeal in EPFA. No. 22 of 2021 and quash the same as, erroneous, arbitrary and devoid of merit and consequently restore the same for fresh consideration on merits.

For Petitioner : Mr. A. Ram Kumar

For Respondent : Mr. Vishnu Ramu – R1 & R2

ORDER

The captioned writ petition has been filed for issuance of a writ of certiorari, assailing the order dated 28.07.2023 passed by the Central Government Industrial Tribunal-cum-Labour Court, Chennai, in EPFA No. 22 of 2021. By the said order, the appeal filed by the writ petitioner under Section 7-I of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (hereinafter referred to as "the Act, 1952") came to be dismissed for want of prosecution. The writ petitioner had earlier suffered an order under Section 7-A of the Act, 1952, by which a sum of Rs. 12,05,453.75 was sought to be recovered from the petitioner towards dues.



W.P No. 29285 of 2023

WEB COPY

2. The writ petitioner preferred an appeal under Section 7-I of the Act, 1952. On 07.02.2023, when the statutory appeal was listed, the same was dismissed for want of prosecution. The petitioner thereafter filed an application seeking restoration of the appeal. However, by order dated 28.07.2023, the said application came to be dismissed on the ground that it had been filed beyond the thirty days stipulated under the EPF Appellate Tribunal (Procedure) Rules.

3. Learned counsel for the petitioner submitted that although sufficient cause had been shown for condonation of delay in filing the restoration application, the appellate authority, without considering the explanation offered, proceeded to dismiss the application for restoration.

4. In response, learned counsel for the respondent submitted that, as per Rule 15(2) of the EPF Appellate Tribunal (Procedure) Rules, an application for restoration is required to be filed within thirty days from the date of dismissal, and there is no provision in the said Rules enabling condonation of delay beyond that period. In the absence of any statutory provision permitting condonation of delay, the present writ petition challenging the said dismissal order is not maintainable and is liable to be dismissed.



W.P No. 29285 of 2023

WEB COPY

5. Heard the submissions of learned counsel for both parties and perused the materials available on record.

6. Admittedly, as per Rule 15(2) of the said Rules, an application for restoration must be filed within thirty days from the date of dismissal of the appeal. In the present case, the application was filed after a delay of 130 days beyond the prescribed period.

7. In the affidavit filed in support of the application for condonation of delay, it is averred that the order dismissing the appeal for want of prosecution had been duly despatched to the office of the petitioner but was inadvertently misplaced after receipt. It is further stated that the said order could not be traced despite diligent efforts and was ultimately located only on 07.02.2023, whereupon immediate steps were taken to file the restoration application.

8. Although the explanation offered by the petitioner may not, by itself, constitute a wholly satisfactory or sufficient cause for condonation of such a prolonged delay, this Court is mindful of the fact that the petitioner is a Handloom Weavers' Society, a cooperative body functioning with limited administrative resources and financial constraints. The delay appears to have occurred not out of deliberate inaction or negligence, but owing to a bona fide



W.P No. 29285 of 2023

administrative lapse.

WEB COPY

9. In these circumstances, and bearing in mind that procedural rules are intended to advance the cause of justice rather than defeat it, this Court is of the considered view that it would be in the interest of substantial justice to afford the petitioner an opportunity to have the appeal decided on its merits. The respondent, being a statutory authority, would not suffer any prejudice if the delay is condoned, whereas the petitioner would suffer irreparable hardship if the appeal were not restored.

10. Accordingly, in exercise of the extraordinary jurisdiction conferred under Article 226 of the Constitution of India, this Court deems it appropriate to condone the delay in filing the restoration application, in order to secure the ends of justice.

11. Accordingly, the following order is passed:

- i. The writ petition is disposed of.



WEB COPY



W.P No. 29285 of 2023

HEMANT CHANDANGOUDAR, J.

ak

- ii. The Industrial Tribunal is directed to restore the appeal in EPFA No. 22 of 2021 to file and pass orders on merits and in accordance with law, after hearing the parties, within a period of three (3) months from the date of receipt of a copy of this order.
- iii. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

16.10.2025

Index : Yes/No

Internet : Yes/No

ak

W.P No. 29285 of 2023

16.10.2025