IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2025

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THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.No.34108 of 2022
and
W.M.P.No.33583 of 2022

1. The Tamil Nadu Agricultural University
Rep. by its Registrar
Marudhamalai Road
Coimbatore - 641 003.

2. Sugarcane Research Station
Rep. by its Professor and Head
Tamil Nadu Agricultural University
Sirugamani - 639 115
Tiruchirapalli District. ... Petitioners

vs.

1. The Assistant Provident Fund Commissioner (Compliance)
Employees Provident Fund Organisation
Sub Regional Office, Sree Complex, D-Block
No.18, Madurai Road,
Trichy - 620 008.

2. The Enforcement Officer
Trichy 3rd Division,
Employees Provident Fund Organization
Sub Regional Office, Sree Complex,
D-Block, No.18, Madurai Road
Trichy - 620 008. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus, to call for the records pertaining to the issuance of the order dated 19.10.2022 in Miscellaneous Petition 2022 (arising out of EPFA 390/2018) on the file of the Central Government Industrial Tribunal-cum-Labour Court, Chennai and quash the same and consequently, direct the Central Government Industrial Tribunal-cum-Labour Court, Chennai to consider the application to condone the delay in filing the application to restore the EPFA 390/2018 and to pass orders on merit in EPFA 390/2018.

For Petitioners	:	Mr.R.Sivakumar assisted by Mr.S.Manikandan Standing Counsel
For Respondents	:	Mr.K.Srinivasamurthy Senior Panel Counsel for Central Government

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O R D E R

The captioned Writ Petition (hereinafter referred to as "WP" for the sake of brevity, convenience, and clarity) has been filed seeking issuance of a writ of certiorari to quash the order dated 19.10.2022 passed by the Central Government Industrial Tribunal-cum-Labour Court, Chennai (hereinafter referred to as "CGIT" for the sake of brevity, convenience, and clarity) in Miscellaneous Petition of 2022 (arising out of EPFA No. 390 of 2018).

2. By the said order, the CGIT dismissed the petitioner's application seeking condonation of delay in filing a restoration petition. The petitioner, an Agricultural University, had earlier suffered an order dated 08.07.2015 passed under Section 7-A of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (Act 19 of 1952) (hereinafter referred to as the "Act, 1952").

3. Under the said order, the petitioner was directed to pay a sum of Rs. 23,84,241/- towards provident fund contributions in respect of Mazdoors engaged by the petitioner-University during the period 2009–2013.

4. Aggrieved thereby, the petitioner preferred an appeal before the CGIT, which was initially filed at New Delhi, later transferred to Bangalore, and subsequently transferred to Chennai in the year 2018. Although the petitioner entered appearance before the CGIT, it subsequently remained absent on multiple occasions. Consequently, the Tribunal, having no other option, dismissed the appeal for non-prosecution.

5. Thereafter, the petitioner filed an application for restoration of the appeal along with an application seeking condonation of delay of 46 days in filing such restoration petition. The CGIT, however, dismissed the application, holding that it had no power to condone delay beyond 30 days. Aggrieved by the same, the petitioner has approached this Court by way of the present WP.

6. Learned counsel appearing for the petitioner-University submitted that sufficient cause was demonstrated for condoning the delay of 46 days in filing the restoration application. It was contended that the CGIT erred in rejecting the application on a technical ground, without considering the bona fide reasons placed on record. He further submitted that this Court, in exercise of its jurisdiction under Article 226 of the Constitution of India, possesses the inherent power to direct condonation of delay where sufficient cause has been shown.

7. In support of his submissions, learned counsel placed reliance on the following decisions:

(i) *M/s. Mubarak Industries v. The Employees' Provident Fund Appellate Tribunal, New Delhi and another, 2010 SCC OnLine AP 14*;

(ii) *N. Ramkumar, Proprietor, M/s. Jeyaram Roadways and another v. The Hon'ble Presiding Officer, Employees'*

Provident Fund Appellate Tribunal, New Delhi and another, CDJ 2011 MHC 5249;

(iii) *Jatinder Singh and others v. Union Territory of Jammu & Kashmir and others, MANU/JK/0635/2024*.

8. Per contra, learned counsel for the respondents submitted that Sub-rule (2) of Rule 15 of the Employees' Provident Funds Appellate Tribunal (Procedure) Rules, 1997 clearly stipulates that an application for restoration must be filed within 30 days from the date of dismissal. Therefore, the Tribunal rightly held that it lacked jurisdiction to condone a further delay beyond the prescribed period.

9. It was further contended that even otherwise, the petitioner failed to make out any sufficient cause for the delay and, in any case, no valid grounds were raised to interfere with the order passed under Section 7-A of the Act, 1952. Hence, the impugned order suffers from no illegality or infirmity warranting interference under Article 226.

10. The rival submissions have been duly considered and the records carefully perused.

11. The order under Section 7-A of the Act, 1952 pertains to the provident fund contributions payable by the petitioner-University in respect of the Mazdoors working under it during the period 2009–2013. The petitioner-University has not produced any material to demonstrate that the said Mazdoors were not employees of the University.

12. On the contrary, the University sought to avoid liability on the premise that a communication was sent to the Government of Tamil Nadu requesting extension of the New Pension Scheme, 2003 (NPS) with effect from 01.04.2004. On this basis alone, the petitioner contends that it should be absolved of its statutory obligation to contribute to the provident fund.

13. The appeal, which was initially filed before the CGIT, New Delhi, was later transferred to Bangalore and finally to Chennai in 2018. Although the petitioner entered appearance before the CGIT, Chennai, it thereafter remained consecutively absent, leading to the dismissal of the appeal for

want of prosecution on 19.10.2022. The restoration application, along with the condonation petition, was filed only on 22.08.2022, i.e., after a delay of 46 days.

14. A perusal of the affidavit filed in support of the delay condonation application reveals that the petitioner has not disclosed the exact date on which the dismissal of the appeal came to its knowledge. In paragraph 27 of the affidavit, it is merely stated that due to the transfer of various officers and renumbering of the case, the matter was inadvertently overlooked. Except for the general assertion that the non-appearance was neither willful nor wanton but due to bona fide reasons, no sufficient cause has been established.

15. The primary contention in the appeal itself is that since a proposal was made to bring the Mazdoors under the New Pension Scheme, 2003, the University should be exempted from liability to make provident fund contributions. However, the said communication to the Government of Tamil Nadu was made only in 2020, long after the relevant contribution

period (2009–2013). Even till date, no evidence has been produced to show that the Mazdoors have in fact been brought under the NPS, 2003.

16. Therefore, even assuming such a proposal exists, it does not absolve the petitioner of its statutory liability under the Act, 1952. From the material placed on record, it is evident that:

(a) The petitioner - University has failed to show sufficient cause for condonation of delay;

(b) The CGIT has no statutory power to condone delay beyond 30 days as per Rule 15(2) of the Employees' Provident Funds Appellate Tribunal (Procedure) Rules, 1997; and

(c) Even on merits, the petitioner-University cannot avoid its liability to contribute to the provident fund of the Mazdoors.

17. Though the decisions relied upon by the learned counsel for the petitioner relate to condonation of delay by this Court in exercise of its powers under Article 226 of the Constitution of India, and though the delay

of 46 days in the present case cannot be said to be inordinate, yet, having regard to the factual circumstances of the case, this Court is of the considered view that no useful purpose would be served by condoning the delay and restoring the appeal.

18. This is for the reason that the petitioner–University cannot, in any event, absolve itself of the statutory liability to contribute its share towards the provident fund in respect of the Mazdoors, who are admittedly its employees. Hence, condonation of delay and consequent revival of the appeal would be a mere empty formality, devoid of any substantive outcome. On the contrary, such indulgence would only prolong the litigation and result in miscarriage of justice to the employees who are legitimately entitled to the provident fund contributions under the Act, 1952.

19. Hence, the CGIT has rightly dismissed the application for condonation of delay, and the impugned order suffers from no infirmity or

illegality warranting interference by this Court under Article 226 of the Constitution of India.

20. For the foregoing reasons, this Court finds no merit in the writ petition. Accordingly, the captioned Writ Petition stands dismissed. Consequently, the connected miscellaneous petition is also closed. There shall be no order as to costs.

25.09.2025

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

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HEMANT CHANDANGOUDAR, J.,

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To

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