



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-12-2025

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THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.48604 of 2025

AND

WMP No. 54266 OF 2025, W.M.P. No.54267 OF 2025

Sankar Chemical Lime

**Rep By Its Managing Partner, Radhika
Raman, Abcoy Gardens, Sankar Nagar,
Tirunelveli-627 357.**

... Petitioner

Vs.

**The Assistant Provident Fund Commissioner,
Employees Provident Fund Organization,
Sub Regional Office,
Bhavishya Nidhi Bhawan,
NGO "B" Colony, Tirunelveli-627 007**

... Respondent

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the Docket order dated 31.10.2025 passed in M.P.No.48 of 2025 in E.P.F.A.No.138 of 2017 on the file of Employees Provident Fund Appellate Tribunal and quash the same as arbitrary and unsustainable and consequently direct the respondent to restore E.P.F.A.No.138 of 2017 and dispose of the same on merits.

For Petitioner :	Mr.Aravind Subramanian, Senior Counsel, for Mr.R.Deepan Prakash
For Respondent:	Mr.R.Sreedhar, Standing Counsel (E.P.F)



ORDER

This Writ Petition is filed for a Certiorarified Mandamus, to call for the records relating to the Docket Order, dated 31.10.2025, passed in M.P.No.48 of 2025 in E.P.F.A.No.138 of 2017 on the file of Employees Provident Fund Appellate Tribunal. The said order reads as follows:

“Final Order – The appeal stands dismissed for want of prosecution M.P.No.48 of 2025 for restoration of the Appeal stands rejected.”

2. The Learned Senior Counsel appearing on behalf of the petitioner would submit that the appeal was filed after due compliance of the statute. As a matter of fact, the original amount is also paid. The appeal is filed only with reference to damages. Therefore, the Appellate Tribunal ought to have granted an opportunity to the petitioner.

3. Per Contra, Mr.Sreedhar, the Learned Counsel appearing on behalf of the respondent organization, would submit that the petitioner cannot challenge the docket order alone without obtaining the order that will contain in the reasons. Secondly, no proper reasons were mentioned in the application filed,



especially when the matter was dismissed for default on 22.08.2025.

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4. I have considered the rivals submissions made on either side and perused the material records of the case.

5. It is the contention on behalf of the petitioner that the docket order alone was uploaded no other speaking order was passed. Be that as it may, the application is only to restore the appeal that was dismissed for default. I take into consideration the fact that the petitioner has paid the liability amount as well as the interest amount and appeal is with reference to damages.

6. In view thereof, considering that in the month of August 2025 the appeal was dismissed for default, even though the Tribunal has taken a strict view by dismissing the said application, I am on the view that, in the overall facts and circumstances the case, one opportunity can be granted to the petitioner to prosecute the appeal on merits.



7. Accordingly, the order dated 31.10.2025 passed in M.P.No.48 of 2025 is set aside. E.F.P.A.No.138 of 2017 is restored to the file of the respondent authority. Let the next date of hearing be 08.01.2026, on which date the petitioner has to appear before the Appellate Tribunal without any fail. It is for the Appellate Tribunal to take up the appeal on the same day or any other date fixed by the Appellate Tribunal as per its convenience. It is made clear that no further opportunity will be given to the appellant and the appellant shall cooperate for the early disposal of the appeal before the Appellate Tribunal.

8. With the above observations, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

18-12-2025

Neutral Citation:No
bsm

To,
1. The Assistant Provident Fund Commissioner,
Employees Provident Fund Organization,
Sub Regional Office,
Bhavishya Nidhi Bhawan,
NGO B Colony, Tirunelveli-627 007.

2. The Employees Provident Fund Appellate Tribunal,
1st Floor, B-wing, 26 Haddows Road, Shastri Bhawan, Chennai-600006



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D.BHARATHA CHAKRAVARTHY, J.
bsm

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