



W.P.(MD) No.791 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.791 of 2025

and

W.M.P.(MD) No.515 of 2025

M/s.District Programme Co-Ordinator
-cum-Chief Educational Officer
(Sarva Shiksha Abhiyan Scheme
now Samagra Shiksha)
O/o.District Project Office
GBHSS Boys Campus
Membalam, Medical College Road
Thanjavur-613 001

... Petitioner

-vs-

1.The Assistant Provident
Fund Commissioner
Employees Provident
Fund Organization
Regional Office
P.B.No.588, Sree Complex
'D' Block No.18, Madurai Road
Tiruchirappalli-08



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- 2.The Assistant Provident
Fund Commissioner
(Compliance)
Employees Provident
Fund Organization
Regional Office
P.B.No.588, Sree Complex
'D' Block, No.18, Madurai Road
Tiruchirappalli-08
- 3.The Recovery Officer / APFC
Employees Provident
Fund Organization
Regional Office
P.B.No.588, Sree Complex
'D' Block, No.18, Madurai Road
Tiruchirappalli-08
- 4.Union of India
rep.by its Secretary
Department of School
Education and Literacy
Ministry of Human Resource
and Development
Shasthri Bhavan
New Delhi-110 001
- 5.The National Advisory Council
rep.by its Secretary
Ministry of Human Resource
and Development
Shasthri Bhavan
New Delhi-110 001
- 6.The Executive Committee
Project approval Board
Ministry of Human
Resource and Development
Shasthri Bhavan, New Delhi-110 001

... Respondents



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WEB COPY PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari calling for the records in connection with an impugned order passed by the respondent No.1 in his proceedings No.CB/TRY/ENF/D2/1587172/7A Order/2023-24, dated 20.03.2024 and the impugned orders passed by the respondent No.2 in his proceedings in No.TN/ENF/D2/1587172/corrigendum/2024, dated 25.06.2024 and the impugned order No.CB/TRY/ENF/D2/1587172/Review Petition/2024-25, dated 03.07.2024 and the impugned orders passed by the respondent No.3 in his proceedings in No.CB/TRY/RECY/532/1587172/CP-3/2024-25, dated 23.09.2024 and dated 28.11.2024 and to quash the same as illegal without jurisdiction.

For Petitioner : Mr.Veera Kathiravan
Additional Advocate General
assisted by Mr.F.Deepak
Special Government Pleader

For Respondents : Mr.R.Ravi Kumar for R1 to R3
Mr.A.Srinivasan for R4 to R6

ORDER

Heard Mr.Veera Kathiravan, learned Additional Advocate General assisted by Mr.F.Deepak, learned Special Government Pleader for the petitioner; Mr.R.Ravi Kumar, learned counsel appearing for the respondents 1 to 3 and Mr.A.Srinivasan, learned counsel appearing for the respondent Nos.4 to 6.



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2. This writ petition has been filed by the petitioner challenging the order passed by the respondent No.1 in his proceedings No.CB/TRY/ENF/D2/1587172/7A Order/2023-24, dated 20.03.2024; order passed by the respondent No.2 in his proceedings in No.TN/ENF/D2/1587172/corrigendum/2024, dated 25.06.2024; order No.CB/TRY/ENF/D2/1587172/Review Petition/2024-25, dated 03.07.2024 and the order passed by the respondent No.3 in his proceedings in No.CB/TRY/RECY/532/1587172/CP-3/2024-25, dated 23.09.2024 and 28.11.2024.

3. As against the orders passed under Section 7A of the Employees' Provident Funds & Miscellaneous Provisions Act, 1952 (in short, "the Act, 1952"), the petitioner has an efficacious alternative remedy of statutory appeal under Section 7-I of the Act, 1952. The said remedy of appeal is required to be availed within a period of sixty days and a further maximum period of sixty days can be condoned by the Appellate Authority.

4. Though the impugned orders were passed long before, the petitioner failed to avail the remedy of appeal provided under the statute.



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5. A Coordinate Bench of the Principal Seat of this Court disposed of a writ petition under similar circumstances in W.P.No.3608 of 2025, by an order dated 31.01.2025, refusing to entertain the writ petition in the light of the decision of the Honourable Apex Court in the case of **CCT vs. Glaxo Smith Kline Consumer Health Care Ltd.**, reported in **(2020) 19 SCC 681**.

Paragraph Nos.7 & 8 of the said order reads as under:

*“7. Though it may be true that in one matter the Writ Petition is entertained by the Madurai Bench of this Court, that will not be a binding precedent for this Court since no final orders have been passed in the Writ Petition. Even in the interim relief, the question as to the maintainability of the Writ Petition is not decided. As far as this case is concerned, the order determining the liability was passed on 28.06.2024. As per the Employees Provident Fund Appellate Tribunal Rules, the appeal has to be filed within a period of 60 days. The outer condonable limit is also prescribed as another 60 days. By the judgment of the Honourable Supreme Court of India in **CCT Vs. Glaxo Smith Kline Consumer Health Care Ltd., (2020) 19 SCC 681**, the position is very clear that this Court under Article 226 can not extend the period of limitation when the outer limit is mentioned and the same is mandatory. It is also*



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further held that this Court cannot entertain a Writ Petition under Article 226 when the orders are subject to statutory regime of appeal and the authorities omit to exercise that right available to them.

8. In view thereof, I am unable to entertain the present Writ Petition. But however, in view of the difficulty expressed by the petitioner authority and the petitioner authority being an organ of the State they can be trusted for paying the amount in installments. The entire amount is permitted to be paid in 15 equal monthly installments. Therefore, deducting the first installment alone, the respondent authorities shall forthwith release the Bank attachment order so that the salary can be paid today itself.”

6. The said order of the learned Single Judge was also confirmed by the learned Division Bench of this Court in W.A.No.677 of 2025, by a Judgment dated 07.03.2025.

7. In the light of the above, this writ petition is also liable to be dismissed.



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8. However, Mr.Veera Kathiravan, learned Additional Advocate General appearing for the petitioner contended that the “Sarva Shiksha Abhiyan Scheme”, which is now renamed as “Samagra Shiksha”, is sponsored by the respondent No.2, Union of India as well as the State Government and 60% of the funds needed for the implementation of the said Scheme are being funded by the respondent No.4. However, the respondent Nos.1 to 3 herein, who are also part of the respondent No.4 – Union of India, are proceeding against the petitioner herein, without initiating any steps against the respondent No.4. Thus, he contended that the impugned orders are liable to be set aside as the respondent No.4 is not made as a party and no liability is fixed against the respondent No.4.

9. This Court is unable to agree with the said contention for the simple reason that all the employees, who are covered by the impugned orders, are all appointed by the petitioner herein and they are employees of the petitioner herein. There is no employer-employee relationship with the respondent No.4. Under the Act, 1952, it is only the employer, who is responsible to comply with the statutory requirements under the said Act. If at all the petitioner herein is of the view that the liability fixed against the petitioner is to be reimbursed by the respondent No.4 in terms of the Sarva



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Shiksha Abhiyan Scheme, it is always open for the petitioner to take appropriate steps or agitate the matter before the respondent No.4 for payment of 60% of the amounts covered by the impugned orders. But, even assuming that the contention of the learned Additional Advocate General is correct, the same cannot be a ground to interfere with the impugned orders.

10. In the light of the above, this writ petition is dismissed. In case if the petitioner is inclined to pay the amounts covered by the impugned orders, the petitioner is at liberty to approach the respondent No.1 by making a representation. In case if any such representation is made by the petitioner, the same shall be considered by the respondent in the light of the Judgment dated 07.03.2025, passed by the learned Division Bench of this Court in W.A.No.677 of 2025, granting 30 equal monthly installments. No costs. Consequently, connected miscellaneous petition is closed.

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NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To:
The Secretary,
Union of India,
Department of School
Education and Literacy,
Ministry of Human Resource
and Development,
Shasthri Bhavan,
New Delhi-110 001.



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MUMMINENI SUDHEER KUMAR, J.

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