



W.P.(MD) No.7502 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.7502 of 2025

and

W.M.P.(MD) Nos.5656 & 5657 of 2025

M/s.Municipal Council
Sirkali Municipality
Sirkali
Nagapattinam-611 001
through its Commissioner

... Petitioner

-vs-

The Assistant Provident Fund
Commissioner (Compliance)
Employees' Provident Fund
Organization
P.B.No.588, Sree Complex 'D' Block
No.18, Madurai Road, Trichy-620 008

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus to call for the records from the file of the respondent herein No.TN/RO-TRY/ENF/D4/81721/8F Order/2024-25, dated 25.02.2025, passed under Section 8F of the EPF Act and to quash the same and also impose any damages for withdrawing the public / govt funds which had disturbed the public works of the municipality.



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For Petitioner : Mr.C.Karthikeyan

For Respondent : Mr.I.Pinaygash

ORDER

This writ petition has been filed by the petitioner – Municipal Council aggrieved by the order dated 25.02.2025, issued by the respondent under Section 8F of the Employees' Provident Funds & Miscellaneous Provisions Act, 1952, (in short, “the Act, 1952”) attaching the bank accounts of the petitioner and requiring the Indian Overseas Bank and City Union Bank, Sirkali Branch, to pay the amount of Rs.1,11,48,020/- purported to be the amount due under the order dated 20.12.2024, issued by the respondent under Section 7A of the Act, 1952.

2. The main ground, on which the present writ petition has been filed, is that the petitioner herein has 60 days time for filing an appeal against the order dated 20.12.2024 and the petitioner also has a further period of 60 days, for which the petitioner can seek condonation of the delay before the learned Appellate Tribunal and therefore, till the expiry of 120 days period from the date of receipt of the order dated 20.12.2024, the respondent cannot initiate steps under Section 8F of the Act, 1952.



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3. It is also brought to the notice of this Court that pursuant to the impugned order dated 25.02.2025, an amount of Rs.83,50,700/- has been recovered from the petitioner's bank account in City Union Bank, Sirkali Branch, on 07.03.2025 and an amount of Rs.3,40,004/- has been recovered from the petitioner's bank account in Indian Overseas Bank, Sirkali Branch, on 10.03.2025.

4. Learned counsel for the petitioner further contended that the petitioner has already filed an appeal before the learned Appellate Tribunal against the order dated 20.12.2024 and the same is taken on file and numbered as EPFA No.69 of 2025 and the same is pending consideration for want of availability of the Presiding Officer manning the Appellate Tribunal.

5. This Court, having taken note of the said facts, by an interim order dated 20.03.2025, directed for unfreezing the petitioner's bank accounts and accordingly, the bank accounts of the petitioner are reported to have been unfrozen by the Banks concerned and the same are operational.



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6. No doubt, the respondent is not entitled to initiate steps under Section 8F of the Act, 1952 till the expiry of the period available for the petitioner to file an appeal under Section 7-I of the Act, 1952. But, under Section 7-I of the Act, 1952 read with the relevant Rules, 60 days is allowed to file an appeal against the order passed under Section 7A of the Act, 1952. But, in the instant case, the order under Section 7A of the Act, 1952, was passed on 20.12.2024 and the same was communicated to the petitioner by way of a registered post and the same was delivered to the petitioner on 02.01.2025. If that be the case, 60 days period available for the petitioner to file an appeal is available till 03.03.2025 and admittedly, the petitioner claims to have filed an appeal on 03.03.2025 and the same is pending.

7. The contention of the learned counsel for the petitioner that the learned Appellate Tribunal has got power to condone the delay upto 60 days and therefore, the respondent cannot initiate steps under Section 8F of the Act, 1952, till the expiry of the 60 days condonable period also cannot be accepted for the reason that the time allowed for filing appeal is only 60 days and the further 60 days condonable period is only for sufficient reasons. It is only on the petitioner establishing sufficient reasons for the delay in filing the appeal, the further period of 60 days can be condoned, but not otherwise.



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Therefore, the period that is available for filing an appeal can be considered only as 60 days, but not 120 days. The contention of the learned counsel for the petitioner in this context is liable to be rejected. Accordingly, the same is rejected.

8. As already noted above, an amount of Rs.83,50,700/- has been recovered from the petitioner's bank account in City Union Bank, Sirkali Branch, on 07.03.2025 and an amount of Rs.3,40,004/- has been recovered from the petitioner's bank account in Indian Overseas Bank, Sirkali Branch, on 10.03.2025, which admittedly fall beyond the period of 60 days. Therefore, the ground, on which the present writ petition has been filed, is not available to the petitioner to contend that the said amounts were recovered before expiry of the limitation period provided for filing an appeal.

9. The next question that would fall for consideration is whether the interest of the petitioner can be jeopardised for want of availability of the Presiding Officer manning the Appellate Tribunal. Admittedly, there is no Presiding Officer to preside over the Appellate Tribunal and the same is not functioning on regular basis. The waiver application and the stay application said to have been filed by the petitioner are pending consideration before the



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10. In view of the same, in order to safeguard the interest of the petitioner, this Court deems it appropriate to keep the impugned order in abeyance till the waiver application and the stay application are disposed of by the learned Appellate Tribunal on merits.

11. In the light of the above, taking into consideration the fact that an amount of Rs.83,50,700/- has already been recovered from the petitioner's bank account in City Union Bank, Sirkali Branch, on 07.03.2025 and an amount of Rs.3,40,004/- has been recovered from the petitioner's bank account in Indian Overseas Bank, Sirkali Branch, on 10.03.2025, out of the total sum of Rs.1,11,48,020/- due, the impugned order dated 25.02.2025, issued by the respondent, shall be kept in abeyance till the disposal of EPFA No.69 of 2025 filed against the order dated 20.12.2024 is decided by the learned Appellate Tribunal on merits. The amounts that were recovered from the petitioner pursuant to the impugned order dated 25.02.2025, shall be subject to the result of the said appeal filed by the petitioner before the learned Appellate Tribunal.



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12. Accordingly, this writ petition is disposed of. No costs.

Consequently, connected miscellaneous petitions are closed.

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

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To:
The Presiding Officer,
Central Government
Industrial Tribunal-cum-
Labour Court,
Chennai.



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MUMMINENI SUDHEER KUMAR, J.

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