



W.P.(MD)No.10251 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.11.2025

CORAM

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.10251 of 2021

B.Viswanathan

: Petitioner

Vs.

1.The Principal Secretary and Ex-Officio Chairman,
Government of Tamil Nadu,
Transport Department,
Secretariat, Fort St. George,
Chennai – 600 009.

2.The Managing Director,
State Express Transport Corporation (TN) Ltd.,
Thiruvalluvar House, Anna Salai,
Chennai – 600 002.

3.The Administrator,
TNSTC Employees Pension Fund Trust,
Thiruvalluvar Illam,
Chennai – 600 002.



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4.The Assistant Manager (Provident Fund),
TNSTC Employees Pension Fund Trust,
SETC (TN) Ltd Corporate Office,
Thiruvalluvar Illam,
Chennai – 600 002.

5.The Deputy Manager (Provident Fund),
State Express Transport Corporation Employees
Provident Fund Trust,
Thiruvalluvar Illam,
Chennai – 600 002.

6.The Regional Commissioner,
Employees Provident Fund Organisation,
37, Opp Swagat Hotel,
Rayapet High Road,
Chennai – 600 014.

7.The Branch Manager,
State Express Transport Corporation,
K.K. Nagar,
Madurai.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned order passed by the fifth respondent dated



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01.04.2021 bearing KA.No.00449994/Y4/EPF/SETC/2021 and consequential order passed by the fourth respondent dated 31.10.2006 bearing KA.No.30380/Y2/VAI.NITHI/AA.VI.PO.KA/06 and quash the same and consequently direct the respondents to re-fix the salary as 12(3) settlement in Industrial Dispute Act, 1947 dated 22.01.2011 and disburse the retirement benefits along with the recovered amount of Rs.1,66,883/- with 12% interest per annum from the date of petitioner's father's retirement to till date realization to the legal heirs.

For Petitioner : Mr.R.Saravanan
For Respondent No.1 : Mr.A.Baskaran,
Additional Government Pleader
For Respondent Nos.2 & 7 : Mr.K.Sathyasingh
Standing Counsel
For Respondent Nos.3,4 & 5 : Mr.S.C.Herold Singh,
Standing Counsel
For Respondent No.6 : Mr.A.John Xavier,
Standing Counsel

ORDER

This Writ Petition has been filed challenging the impugned order dated 01.04.2021 passed by the fifth respondent as well as the consequential order dated 31.10.2006 passed by the fourth respondent.



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2.The petitioner is the son of late Balakumar. The late Balakumar was working in the respondent transport corporation and he retired from service in the year 2006. The petitioner's father late Balakumar also died in the year 2012. According to the petitioner, excess payments were collected from the petitioner's father late Balakumar towards repayment of the loan availed by him under his EPF account. While the said Balakumar was alive, no legal proceedings were initiated by him to recover the alleged excess payments. The alleged excess payments were made in the year 2008. Eventhough the petitioner's father late Balakumar died only in the year 2012, he did not choose to initiate any legal proceedings against the respondents for recovery of the alleged excess payments said to have been made by him towards repayment of the loan under the EPF account.

3.Even the Writ Petition filed by the petitioner seeking Mandamus to consider the petitioner's representation seeking for refund of the alleged excess payments made by the petitioner's father towards repayment of the loan availed from the EPF account was filed by the petitioner only in the year 2019. Only pursuant to the directions issued by this Court to consider the petitioner's



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representation, the impugned order came to be passed, which is the subject matter of this Writ Petition filed in the year 2021. Having failed to seek for refund of the alleged excess payments said to have been collected from the petitioner's father in the year 2008, at the first instance by the petitioner's father who died only in the year 2012 and even thereafter, within a reasonable period by the petitioner himself who is the son, the question of entertaining this Writ Petition which has been filed in the year 2021, after the cause of action for the relief sought for by the petitioner arose as early as in the year 2008 itself does not arise and if the same is entertained at this belated stage after a lapse of more 12 years from the date when the cause of action arose will result in no finality of any litigation. Therefore, this Court cannot entertain this Writ Petition at this belated stage. This Court is not going into the merits of the petitioner's contention with regard to the refund sought for by the petitioner on account of the alleged excess payments said to have been made by the petitioner's father towards repayment of the loan availed by the petitioner's father under the EPF account. Therefore, on the ground of laches, this Writ Petition has to be dismissed.



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4. Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs.

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



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ABDUL QUDDHOSE., J.

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