



W.A.(MD)No.914 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.02.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

**W.A.(MD)No.914 of 2022
and
C.M.P.(MD)No.7603 of 2022**

M/s Shrine Basilica of Velankanni,
Represented by its Rector and Parish Priest,
Mr.C.Iruthaiyaraj,
Shrine Basilica Church,
Velankanni - 611 111.

... Appellant

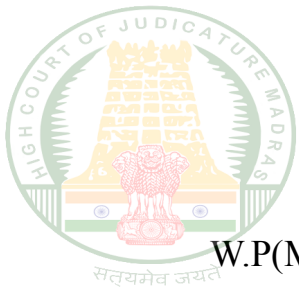
Vs.

1.The Presiding Officer,
Employees' Provident Fund Appellate Tribunal,
4th Floor, Core 2, Scope Minar,
Lakshmi Nagar, New Delhi -110 092.

2.The Assistant Provident Fund Commissioner,
Employees' Provident Fund Organization,
Sub Regional Office, Sree Complex,
No.18, Madurai Road,
Tiruchirappalli - 8.

... Respondents

Prayer : Writ Appeal filed under Clause XV of Letters Patent, to allow
the writ appeal by setting aside the order dated 07-01-2022 in



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W.P(MD).No.21256 of 2015 and thereby uphold the orders made by the first respondent in ATA No.138(13)/2014 dated 16-06-2014.

For Appellant : Mr.H.M.Farooq

For Respondents : Mr.N.Palanimuthu for R1.
Mr.N.Dilip Kumar for R2.

JUDGMENT

The appellant herein questions the order dated 07.01.2022 passed by the learned Single Judge allowing the writ petition filed by the Assistant Provident Fund Commissioner, Employees' Provident Fund Organization, Trichy.

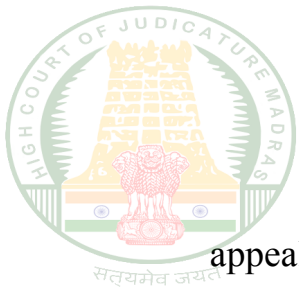
2.The learned counsel for the appellant reiterated all the contentions set out in the memorandum of grounds of writ appeal and contended that Shrine Basilica of Vailankanni being a religious institution is exempted from the applicability of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952.



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3.This contention is no doubt attractive. But there are a few technical impediments which the appellant cannot at present cross. It is seen that the Assistant Provident Fund Commissioner, Employees' Provident Fund Organization, Trichy issued summons under Section 7A of the Act calling upon the appellant to appear for enquiry. The authority had received a complaint that a number of employees working in the appellant establishment had not been enrolled in the provident fund. Questioning the notices, the appellant filed appeals before the appellate tribunal. The appellate tribunal vide order dated 16.06.2014 quashed the notices and allowed the appeals filed by the appellant. Challenging the same, the Assistant Provident Fund Commissioner, Trichy filed W.P.(MD)Nos.21256 to 21260 of 2015. All the writ petitions were allowed on 07.01.2022. However, this writ appeal has been directed only against the order made in one writ petition ie., W.P.(MD)No.21256 of 2015.

4.We fail to understand as to why, the appellant did not file five different writ appeals but chose to file only one writ appeal. Be that as it may, the appellate tribunal under Section 7-I of the Act can entertain an



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appeal at the instance of an aggrieved person only against an order made under Section 7A of the Act. Against a mere summon, appeal cannot lie before the tribunal. The tribunal could not have entertained an appeal at the instance of the appellant against mere notice. The learned Single Judge also interfered with the order of the tribunal only on this short ground. All the defences and contentions of the appellant have been left open. We are therefore of the view that interference with the order of the learned Single Judge is not called for. We make it clear that we have not gone into the merits of the matter. The Assistant Provident Fund Commissioner, Employees' Provident Fund Organization, Trichy will issue notices to the appellant and determine the issue afresh without being influenced by the outcome of these proceedings.

5.This writ appeal is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S. J.) & (M.J.R. J.)
24.02.2025

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M.JOTHIRAMAN, J.

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