



W.A(MD)No.2821 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.10.2025**

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**
AND
THE HONOURABLE **MR.JUSTICE C.KUMARAPPAN**

W.A(MD)No.2821 of 2025
and
C.M.P(MD)No.15747 of 2025

M/s.Sree Sivaraj Fireworks Factory,
1198/1-2, Anuppankulam Village,
Sivakasi East,
Virudhunagar District - 626 189,
Through its Partner. ... Appellant/Petitioner

Vs.

The Assistant Provident Fund Commissioner,
Employees Provident Fund Organization,
Sub Regional Office, No.1,
Lady Doak College Road
Chokkikulam,
Madurai 625 002. ... Respondent/Respondent

PRAYER:- Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order made in W.P.(MD)No.18033 of 2023 dated 03.07.2025 on the file of this Court.



W.A(MD)No.2821 of 2025

For Appellant : Mr.C.Karthikeyan
For Respondent : Mr.S.Anwar Sameem

JUDGMENT

(Judgment of the Court was made by **DR.ANITA SUMANTH, J.**)

Read this order in continuation of and in conjunction with order dated 25.09.2025, which reads as follows:

“Mr.S.Anwar Sameem, learned counsel accepts notice for the respondent.

2.Learned counsel for appellant shall serve papers upon the respondent forthwith.

3.Brief facts are:

(i) An order was passed under Section 7A of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (in short 'Act'), on 25.06.2024.

(ii) The petitioner sought review under Section 7B of the Act and the review application stood dismissed on 07.01.2015.

(iii) Writ Petition (Civil) No.980 of 2015 was filed before the Delhi High Court challenging both orders dated 25.06.2014 and 07.01.2015.

(iv) By order dated 02.02.2025, the appellant was directed to approach the Tribunal, as the Writ Petition was held to be not maintainable.

(v) A.T.A.No.92(13) of 2015 came to be filed before the Appellate Tribunal under the Act, which was transferred to the Central Government Industrial Tribunal cum Labour Court, Chennai, and renumbered as E.P.F.A.No.73 of 2018.

(vi) At the time of admission, the Central Government Industrial Tribunal cum Labour Court directed the appellant to deposit 40% of the amount as a precondition for maintainability of the appeal.



W.A(MD)No.2821 of 2025

(vii) *Since the interim order was not complied with, the appeal was rejected on 08.05.2023.*

4.A Writ Petition in W.P(MD)No.18033 of 2023 was filed challenging the order dated 07.01.2015 passed under Section 7B of the Act, wherein the learned Judge, by way of impugned order dated 03.07.2025, has dismissed the Writ Petition, holding that the Central Government Industrial Tribunal cum Labour Court has rightly dismissed the appeal for non-compliance of condition imposed.

5.A twist in the tale is that, pending Writ Petition, the bank accounts of the appellant were directed to be released and with the availability of funds, the precondition imposed by the Central Government Industrial Tribunal cum Labour Court is stated to have been complied with, albeit belatedly.

6.Hence, the short point that arises is whether, now that the condition has been complied with, though belatedly, E.P.F.A.No.73 of 2018 may be restored to file.

7.Mr.Anwar Sameem, learned counsel, who accepts notice for respondent, will obtain instructions as to whether the deposit of 40% as precondition before the Government Industrial Tribunal cum Labour Court has been remitted and whether in light of the remittance, if any made, E.P.F.A.No.73 of 2018 may be restored to file.

8.List on 22.10.2025."

2.Mr.Anwar Sameem, learned counsel confirms that the deposit of 40% has been made. Hence and as a measure of achieving substantial justice, we believe that the Tribunal can dispose the appeal on merits. Hence, E.P.F.A.No.73 of 2018 stands restored to the file of Central Government Industrial Tribunal cum Labour Court, Chennai. Since the appeal is of the year 2018, it shall be listed for hearing on 29.10.2025, on which date the appellant shall appear before the Tribunal without



W.A(MD)No.2821 of 2025

awaiting any further notice from the Tribunal. The Tribunal is requested to dispose the matter within a period of twelve weeks from that date.

3.As the appellant does not pursue any of the other grounds of appeal, nothing now survives in this writ appeal and the same stands disposed. No costs. Consequently, connected miscellaneous petition is closed.

[A.S.M.J.] & [C.K.J.]
23.10.2025

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

The Assistant Provident Fund Commissioner,
Employees Provident Fund Organization,
Sub Regional Office, No.1,
Lady Doak College Road
Chokkikulam,
Madurai 625 002.

Copy to:

The Central Government Industrial
Tribunal cum Labour Court,
Chennai

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W.A(MD)No.2821 of 2025

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AND
C.KUMARAPPAN, J.

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W.A(MD)No.2821 of 2025

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