



W.P.(MD) No.13236 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.02.2025

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.13236 of 2017

The Assistant Provident Fund Commissioner,
Employees Provident Fund Organization,
Regional Office, Madurai-2.

... Petitioner

Vs.

1.The Presiding Officer,
The Employees Provident Fund Appellate Tribunal,
Bangaluru Branch,
62-3rd Cross Industrial Suburb,
Yashwanthpur 2nd Street,
Bangaluru-560 022.

2.M/s.Arasan Ganesan Polytechnic College,
Anaikkuttam Post, Sivakasi,
Viruthunagar District,
Through its Director.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order made in the review application in EPFAT (B) 2016 (32) 2016 dated 23.08.2016 issued by the 1st Respondent and quash the same.



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For Petitioner : Mr.S.Selvakrishnan
for Mr.VS.Karthi

For Respondents : Mr.M.E.Ilango – for R2

: No appearance – for R1

ORDER

This writ petition is filed aggrieved by an order dated 23.08.2016, whereby the application filed by the petitioner under sub-section (2) of Section 7L of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (hereinafter referred to as “the Act, 1952”) was refused to be entertained on the ground that the relief sought in the said application does not fall within the purview of sub-section (2) of Section 7L of the Act.

2. A perusal of the said application filed by the petitioner under Section 7L(2) of the Act, 1952 would indicate that the same is not meant for rectifying the error or mistake on the face of the record, but the same is seeking reconsideration of the entire issue on merits and seeking a remand of the matter for passing orders afresh.



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3. This Court, after having perused the provisions contained in sub-section (2) of Section 7L and other provisions of the Act, 1952 is convinced that there is no provision provided under the Act, 1952 for seeking review or modification of the order, except to the limited extent as provided under sub-section (2) of Section 7L of the Act.

4. On the other hand, sub-section (4) of Section 7L would make it clear that the order passed under sub-section (1) of Section 7L is final and cannot be challenged in any Court of law. Thus, any order passed under sub-section (1) of Section 7L of the Act, 1952 by the Appellate Tribunal can be questioned only by way of filing writ petition before this Court and not otherwise. In the circumstances, the only remedy available to the petitioner is to file appropriate writ petition before this Court against the order passed in ATA No.516(13) 2014, dated 16.10.2014 and there is no error or illegality in the impugned order dated 23.08.2016.

5. In view of the same, this Writ Petition is liable to be dismissed



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and is accordingly, dismissed. However, it is made clear that it is open to the petitioner to take appropriate steps against the order dated 16.10.2014 passed under Section 7-I of the Act, 1952. There shall be no order as to costs.

28.02.2025

NCC : Yes/No

Index : Yes/No

Internet : Yes

ABR

To

The Presiding Officer,
The Employees Provident Fund Appellate Tribunal,
Bangaluru Branch,
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Yashwanthpur 2nd Street, Bangaluru-560 022.



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MUMMINENI SUDHEER KUMAR, J.

ABR

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