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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-04-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE K. SURENDER

WA No. 380 of 2026

The Assistant Provident Fund Commissioner
Employees Provident Fund Organization,
Sri Jaya Lakshmi Plaza,
Anna Salai,
Swarnapuri,
Salem-04.
Now having office at,
Regional Office,
Steel Plant Road,
Dalavaipatti,
Salem-302.

..Appellant(s)

Vs

M/s.Kamadhenu College of Arts and Science
Dharmapuri-705.

..Respondent(s)

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order passed by the Learned Judge in WP No. 17885 of 2023 dated 19.08.2025 and pass such other order or further orders as this Court.

For Appellant(s): Mr.R.Meenakshi

JUDGMENT

(Judgment of the Court was delivered by S.M.Subramaniam J.)

The Assistant Provident Fund Commissioner Employees Provident Fund Organization has instituted the present intra-court appeal challenging the writ order dated 19.08.2025 passed in W.P.No.17885 of 2023.



2. *De hors* the merits adjudicated, the writ petition came to be dismissed mainly on the ground of delay and laches. Admittedly, there is a delay of nine years in instituting the writ proceeding. Therefore, the Writ Court formed an opinion that such a petition filed by the department after an enormous delay is not entertainable.

3. This Court does not find any further reason to deviate from the findings of the Writ Court, which is in consonance with the legal principles. The reasons stated by the appellant that there is an administrative delay, and delay in interdepartmental communication, resulted in filing of the petition after nine years are unacceptable, and such reasons cannot be construed as valid, and the delay is construed as uncondonable.

4. Whenever there is an enormous delay on the part of the department in instituting such legal proceedings, the higher authorities are duty-bound to conduct an enquiry to find out the reasons, and if there is any laches, dereliction of duty, or negligence on the part of any of the officials, all appropriate actions, including departmental disciplinary proceedings are to be initiated by following the procedure. Even collusion or corrupt practices are also to be enquired into in such circumstances.

5. Financial loss, if any, caused to the organization on account of



dereliction of duty on the part of the authorities, if any, to be ascertained, and such financial loss to be quantified and to be recovered from the officials, who are accountable for non-initiation of appropriate action under the provisions of the Act and the Rules. Thus, the Additional Central Provident Commissioner, New Delhi is directed to call for the file, look into the same, and take appropriate action in the manner known to law.

6. With the above direction, the writ order made in WP No. 17885 of 2023 dated 19.08.2025 is confirmed and writ appeal is dismissed. No costs. Consequently, the connected miscellaneous petitions, if any, are closed.

(S.M.S.,J.) (K.S.,J.)
02-04-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

GD

Copy to

Additional Central Provident Fund Commissioner
Office of the Addl. Central Provident Fund Commissioner (Delhi & Uttarakhand), Bhavishya Nidhi Bhawan,
8th Floor, 28, Community Centre, Wazirpur Industrial Area,
New Delhi. Pin Code-110052



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**S.M.SUBRAMANIAM, J.
AND
K.SURENDER, J.**

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