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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-04-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE K. SURENDER

WA No. 839 of 2026

and

CMP No. 8723 of 2026

The Assistant Provident Fund Commissioner,
Office of the Regional Provident Fund Commissioner,
Bhavishyanidhi Bhavan,
Dr. Balasundaram Road,
Coimbatore 641 018.

..Appellant

Vs

M/s.Sethu Vidyalaya Nursery & Primary School,
No.205, East Sambandam Road,
R.S.Puram, Coimbatore- 641 002.

..Respondent

Writ Appeal filed under Clause 15 of the Letters Patent to set aside the
order passed in WP. No.16769 of 2020 dated 21.03.2025.

For Appellant :

Mrs.R.Meenakshi

Judgment

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

The present Writ Appeal has been instituted challenging the common
Writ order dated 21.03.2025 passed in W.P.No.16769 of 2020.



2. The Writ Petition came to be dismissed mainly on the ground of delay and latches.

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3. The facts in nutshell would show that the Tribunal passed final orders under Section 7(i) of the Employees' Provident Funds Act on 19.08.2014.

4. The learned counsel for the petitioner would submit that there was an administrative delay on account of the death of the learned Standing Counsel, who was entrusted with these matters for preferring Writ Petition. However, such reasons stated are neither candid nor convincing, since the Authorities are expected to be vigilant in pursuing the matter, which is absolutely missing in this case.

5. Un-condonable delay cannot be condoned by the Courts in a routine manner. Discretion to condone the delay by the Courts are to be exercised judiciously and mechanical approach in condonation of delay would cause prejudice to other parties and would lead to miscarriage of justice. Normally the Courts are lenient in condoning small delays. However, enormous delay in instituting proceedings shall not be condoned, unless the reasons stated are justifiable and convincing to the conscience of the Courts.



6. In the present case, except administrative delay and death of the previous learned Standing Counsel, no other valid reason has been stated for condoning the long delay of about six and a half years in filing the Writ proceedings by the Department.

7. The Employees Provident Fund Department is a public Department and the officials are Trustees. Thus, they are expected to perform their duties vigilantly and in the event of any lapse, negligence or dereliction of duty, they are liable to be prosecuted under the Departmental disciplinary proceedings.

8. The learned Single Judge has relied on the judgments and rejected the Writ Petition on the ground of delay and laches, which deserves no further interference from the hands of this Court. Mere administrative delay would be insufficient to condone the delay of about six and a half years, unless valid and acceptable reasons are substantiated by the Department.

9. Accordingly, this Writ Appeal stands **dismissed**. No costs. Consequently, the connected miscellaneous petitions stands closed.

(S.M.S.,J.) (K.S.,J.)
09-04-2026

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



To

Sethu Vidyalaya Nursery and Primary School
No.205, East Sambandam Road,
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**S.M.SUBRAMANIAM J.
AND
K.SURENDER J.**

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