

ORDERSHEET

CENTRAL GOVT. INDUSTRIAL TRIBUNAL CUM LABOUR COURT,
JABALPUR (MP)

CASE NO. CGIT/LC/EPFA/12/2023

M/s Mahindra and Mahindra Ltd V/S RPFC, Dhar

Date of Order of proceeding	Order or proceeding with signature of Presiding Officer	Signature of parties or pleaders where necessary
28.02.2024	<p>Matter taken up.</p> <p>Shri Uttam Maheshwari, Learned counsel for the Appellant. Shri J.K.Pillai, Learned counsel for the Respondent.</p> <p>Perused the report of the Registry.</p> <p>The impugned order is of 09-06-2023. The appeal has been filed on 2-06-2024, hence within limitation.</p> <p>Respondent filed written objection. Copy Served. Taken on record.</p> <p>The learned counsel for appellant presses his I.A and application U/S 7(o).</p> <p>Learned counsel for the respondent authority has opposed the application of waiver and prayed regarding recovery for stay</p> <p>Perused record.</p> <p>Main ground taken is that the Provident Fund deductions claimed on back wages paid not by the employer but by the appellant establishment who took over the management by way of Memo of Understanding/ sale under court order. There is on record and order of Honb'le High Court of Madhya Pradesh dated 04.07.2023 passed in WP number 14800/2023 staying this order under appeal till hearing of waiver and stay application by this tribunal.</p> <p>After perusal of record in the light of rival arguments, the Appellant appears to have successfully established some arguable points in the appeal, hence he has successfully established his prima facie case at this stage, keeping in view the fact and circumstances of the case in hand, the balance of convenience is in favor of granting waiver under Section 7(0).</p> <p>In View of order of Honb'le High Court protecting the appellant and in the light of peculiar facts and circumstances of case in hand application Under 7(0) is allowed brushing aside the objection by respondent side on this point and interim protection granted by Honb'le High Court is extended till final disposal of the case.</p> <p>List the case for arguments on 31.05.2024</p>	

Presiding Officer