

ORDER SHEET
CENTRAL GOVT. INDUSTRIAL TRIBUNAL CUM LABOUR
COURT, JABALPUR (MP)
CASE NO. CGIT/LC/EPFA/14/2024
M/s District Health Society Jagadapur Vs RPFC Raipur

Date of order of proceeding	Order or proceeding with signature of Presiding Officer	Signature of parties or pleaders where necessary
23.02.2024	<p>Matter taken up.</p> <p>Shri Himanshu Pandey, 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 order under appeal has been passed under Section 14-B and 7Q of the Employees Provident Fund And Misc. Provisions Act.1952, herein after referred to the word "Act", passed on 09.1.2023. The appeal has been filed on 02.02.2024, hence barred by limitation.</p> <p>Ld Counsel for Respondent filed application with affidavit for dismissal of appeal on it is barred by limitation there is an recall and order of Honb'le High Court of Chhattisgarh dated 04.01.2024 passed in WP number 192 of 2023 filed by appellant today holding that plea of limitation will not be taken by respondent nor by this Tribunal. If appeal is filed within 30 days from the date of the order dated 04.01.2022. Hence this appeal on the grant of limitation is barred by this order. Respondent further files objection with affidavit on maintainability of this appeal as to order under 7Q, the aforesaid order of Honb'le High Court itself deals this point and has held that to the extent of order under section 7Q this appeal is not maintainable in this Tribunal.</p> <p>Appeal is admitted for hearing.</p> <p>Respondents to counter within four weeks from today with documents after serving a copy thereof to learned counsel for the appellant. Rejoinder if any, within two weeks, thereafter.</p> <p>Respondent pressed IA, reply on IA with affidavit filed by respondent. Taken on record. Copy Served.</p> <p>Ld Counsel for appellant submits that the appellant is a government establishment he refers to certain circulars dated 03.10.2023, 12.09.2014, 02.06.2014 & 18.02.2014 and submits that since, the government itself directed not to deduct provident fund hence, it was not deducted. Thus according to him, this default is not intentional also he submits that any conditional order requiring the appellant to deposit any money will adversely affect the welfare Health programs run by the appellant and there is sanctioned budget for this purpose.</p>	

Ld counsel for respondent submits that Since, the appellant has not challenged the order of holding it responsible to EPF deposits, he can't take these pleas in this appeal against order under section 14B which is an consequential order.

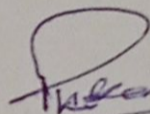
He further submits that to pay damages is a civil liability hence, mens rea no place to be considered.

After considering the material on record in light of rival arguments

After hearing both the sides on the application for recovery of stay and objection against it and on perusal of the record. I am of the view that the appellant has successfully made out a prima facie case in his favor and it will be in the interest of justice to stay the recovery but on certain conditions.

Accordingly the recovery of the amount under appeal passed under Section 14-B of the Act is stayed, subject to the condition of deposit of 40% of the amount with the Respondent within 30 days from the date of order and file a compliance report. I.A. is disposed of accordingly.

List the case on 20/5/24 for Arguments.


PRESIDING OFFICER