

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

CASE NO. CGIT/LC/EPFA/54/20~~22~~²²

Date of order of proceeding	Order or proceeding with signature of Presiding Officer	Signature of parties or pleaders where necessary
11-11-2022	<p>Matter taken up.</p> <p>Shri Adhitya Ahiwasi, learned counsel for the appellant.</p> <p>Shri J.K.Pillai, learned counsel for the respondent.</p> <p>Learned Counsel for the Respondent files written reply with affidavit on application for condonation of delay and application under Section 7(O) as well as I.A.</p> <p>Heard learned counsel for both the parties on application for condonation of delay. Perused the record.</p> <p>The impugned order is passed on 26-4-2022. The appeal filed on 27-10-2022, hence is beyond limitation even beyond extended limitation. The ground taken for condonation of delay is that time was consumed in beauracatic process i.e. file was forwarded to the Health department of the Corporation, it remained pending for sometime with the dealing clerk and also verification of records before preparation of appeal. Learned counsel submits that the delay may be condoned keeping in view this fact.</p> <p>On the other hand, learned counsel for the Respondent submits that the limitation Act,1963 will not apply in the case in hand because the EPFA Act,1952 has its special provisions regarding limitation and extended limitation. Secondly when the copy of the impugned order was forwarded to the appellant in time. The appeal is beyond limitation even if it be counted from the date of receipt of the order by the appellant.</p> <p>Rule 7(2) of the Employees Provident Fund Tribunal (Procedure) 1977 reads as under:-</p>	



(2) Any person aggrieved by a notification issued by the Central Government or an order passed by the Central Government or any other authority under the Act, may within 60 days from the date of issue of the notification/order, prefer an appeal to the Tribunal:

PROVIDED that the Tribunal may, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal within the prescribed period, extend the said period by a further period of 60 days:

Since the Act and Rules and specific provisions regarding limitation, they shall prevail over general law regarding limitation. Accordingly Limitation Act, 1963 will not apply in the case in hand, hence this Tribunal has no power to condone delay beyond limitation as provided in the statute. Holding so, the application for condonation of delay is dismissed accordingly.

The Appeal is not admitted for hearing, being barred by limitation.



PRESIDING OFFICER