

**BEFORE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR  
COURT, No. 1/EPFAT DELHI**

**D-1/17/2025**

**M/s Delhi Jan Sudhar Samiti vs. APFC/RPFC Delhi (East).**

Present: None for the appellant.  
Sh. Avinash Singh, Proxy Counsel along with Sh. Sunil Ranjan, Ld.  
AR for the respondent.

**Order**

**07.11.2025**

**ORAL-**

1. On record, there is a misc. application for condonation of delay pending for disposal. Proxy counsel of the respondent seeks two weeks more time to file the reply of the said application.
2. Record perused. This appeal was listed before the undersigned on 03.04.2025 for admission hearing. On the same date, appellant's counsel prayed for permission to file the condonation application. He was allowed to file the said application with direction to supply the copy of the same to the respondent. On the next date i.e. 14.05.2025, respondent's counsel sought adjournment. On 14.07.2025, he again sought adjournment for filing the reply. On 07.08.2025 he again sought adjournment for the same purpose. Even, on 19.09.2025, he sought another adjournment for filing the reply. More than five months have been passed, but, no reply has been filed yet to the application for condonation of delay.
3. The facts mentioned in the application for condonation of delay are as follow:

- Applicant has stated in his application that he has received the call from the bank informing to put hold in the bank account of the appellant. He immediately contacted the department on 07.03.2025 and it was informed about passing of the impugned order **under section 14-B of the EPF & MP Act, 1952 (hereinafter referred to as "the Act")** on 21.10.2024. Copy was given to the appellant only on 07.03.2025. Therefore, he submits that the limitation shall be counted from 07.03.2025.
- Respondent has not filed any reply to the said application. Today, proxy counsel of the respondent has filed the office note dated 14.10.2025, wherein he has stated that Authorised Representative was well aware of the fact that the proceeding has been completed on 08.10.2024 and final order will be issued in due course of time. He further stated that order has been dispatched with Speed Post Tracking No. **ED654279338IN** on 21.10.2024 on the registered address of the Appellant Establishment. It was also mentioned in the office note that delivery report is not available on Indian Post Website as three months has already been lapsed since dispatching the order.

4. I have heard the arguments at bar and gone through the record of this case. Before proceeding further, provision of **under rule 7(2) read with rule 21 of the Tribunal (Procedure) rules, 1997** is required to be reproduced herein:

*(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.*

*Provided further that no appeal by the employer shall be entertained by the Tribunal unless he has deposited with the Tribunal a Demand Draft payable in the Fund and bearing 75% of the amount due from him as determined under Section 7-A.*

*Provided also that the Tribunal may for reasons to be recorded in writing, waive or reduce the amount to be deposited under Section 7-O.*

**21. Orders and directions in certain cases.—***The Tribunal may make such orders or give such directions as may be necessary or expedient to give effect to its orders or to prevent abuse of its process or to secure the ends of justice.*

5. From the perusal of the above said rule, it appears that an appellant aggrieved by an order passed by the respondent under various sections must file the appeal before this Tribunal within sixty days. Further, this Tribunal is empowered to condone a delay for an additional sixty days, if the appellant is able to demonstrate the sufficient reason that prevented him from filing the appeal.

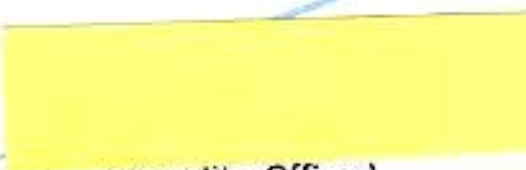
6. After passing over more than five months, respondent is unable to produce any dispatch register or file the reply. Office note produced today does not mention anything about the dispatch register maintained by the respondent. Enquiry Officer has only stated that only computer has the



record of sending the speed post. However, so far as the post tracking number is concerned, it is merely a bar code that is generally issued in bulk by the Postal Department for convenience and does not guarantee that any communication was actually sent. Only the register or receipts issued by the postal department can satisfy such proof. Even the dispatch register has not been produced by the respondent. The forwarding letter states that the order was dispatched on 21.10.2024 which is also the date of order itself. It is not possible to issue the order on the same day to the appellant through post, as the order has been passed through different section. According to the respondent, record has been maintained on the computer, but, no supporting details have been mentioned.

7. In these circumstances, this Tribunal has no option but to accept the version given in the application that the passing of the order on 21.10.2024 has come in the knowledge of the appellant on 07.03.2025. Hence, the appeal is within limitation. Application for condonation of delay stands allowed.

Reply of the misc. application for seeking of stay as well as to the main appeal has already been filed by the respondent. Put up for argument on the stay application on 09.12.2025.



(Presiding Officer)