

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

CASE NO. CGIT/LC/EPFA/31/2022

Date of order of proceeding	Order or proceeding with signature of Presiding Officer	Signature of parties or pleaders where necessary
28/7/2022	<p>Matter Taken up.</p> <p>Shri Aditya Ahiwasi, learned counsel for the Appellant.</p> <p>Respondent represented by learned counsel Shri J.K.Pillai.</p> <p>Learned Counsel for the appellant files three medical certificates with application to be taken on record. The documents are taken on record.</p> <p>Heard both the sides on admission.</p> <p>Order under Appeal was passed on 28-2-2022. The Appeal has been filed on 19-7-2022, hence barred by limitation.</p> <p>Heard both the sides on application of appellant for condonation of delay in filing the appeal.</p> <p>The Respondent side has put up oral objections.</p> <p>The grounds taken is illness of the Authorized Representatives of the appellant.</p> <p>Learned Counsel for the Respondent submits that the Act itself provides limitation which is 60 days from the date of order which can be extended up to another 60 days . He further submits that since the Act is a special legislation , it shall prevail with general law and Limitation Act 1963 does not apply in the case in hand.</p> <p>Rule 7 of the Employees Provident Fund Tribunal (Procedure) 1977 reads as under:-</p> <p style="text-align: center;">7. Fee, time for filing appeal, deposit of amount due on filing appeal:-</p> <p>(1) Every appeal filed with the Registrar shall be accompanied by a fee of rupees two hundred to be remitted either in the form of crossed demand draft on a nationalized bank in favor of the Registrar of the Tribunal and payable at the main branch of that bank at the station where the seat of the said Tribunal is situated, or remitted through a crossed Indian Postal Order drawn in favor of the Registrar of the Tribunal and payable at the post office of the station where the said Tribunal is situate.</p> <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</p>	

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 a Tribunal unless he has deposited with the Tribunal 75% of the amount due from him as determined under section 7A:

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.

Since the Act itself provides limitation, hence limitation Act 1963 will not apply in the case in hand. Since the Appeal is filed beyond 120 days from the order of appeal passed, it cannot be further condoned.

Accordingly holding the appeal barred by limitation, it is dismissed at the stage of admission itself.



PRESIDING OFFICER