

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

**CASE NO. CGIT/LC/EPFA/6/2017**  
**M.P. Security Force Vs. APFC, Bhopal**

Date of order of proceeding	Order or proceeding with signature of Presiding Officer	Signature of parties or pleaders where necessary
7-1-2022	<p>Matter Taken up.</p> <p>Shri Utam Maheshwari learned counsel for the appellant. Shri J.K.Pillai, learned counsel for the respondent.</p> <p>Having heard both the sides and having gone through the record, the impugned order has been passed by the Respondent Authority under Section 14-B of Employees Provident Fund &amp; Misc. Provisions Act, 1952, on 29-8-2017. The Appeal was filed on 10-10-2017 but due to mistake on the part of learned counsel and also on the part of this Tribunal, this appeal was taken as an Appeal against order under Section 7-A of the Act, though it was order under Section 14-B of the Act for which there was no requirement of pre-deposit of 75% of amount under Appeal. In this mis-conception, the Appeal was held as not maintainable due to non-compliance of <del>order under</del> <sup>enter</sup> Section 7-O of the Act, which is a mistake on the part of the Tribunal.</p> <p>A restoration was filed by appellant which was registered as EPFA-Misc. 25/2019 which was disposed vide order dated 8-1-2020. Since the impugned order is under Section 14-B of the Act, no pre deposit was required. This is mistake on the part of Tribunal which requires to be corrected as party cannot be allowed to</p>	

suffer for the mistake of the Tribunal.

Accordingly, recalling the order dated 15-10-2019 passed in this appeal, holding the appeal as not maintainable, due to noncompliance of ~~order under~~ Section 7-O of Act, the appeal is restored and is admitted for hearing.

Respondent to counter within 30 days from today with documents after serving a copy thereof to learned counsel for the appellant. Rejoinder, if any, within 15 days thereafter.

Learned counsel for the appellant filed an I.A. with affidavit for staying recovery under impugned order.

The application is opposed by learned counsel for the Respondent.

Heard. Perused the record.

After hearing both the sides, I am of the view that interest of justice will be served if recovery of amount under appeal is stayed till disposal of the appeal on the condition of deposit of 40% of the amount under appeal with the Respondent, within 30 days from today and in case of non-compliance of this order, the stay shall stand vacated. Hence order accordingly.

I.A. stands disposed accordingly.

List the case for final arguments on 10-3-2022

  
**PRESIDING OFFICER**