


ORDER SHEET
CENTRAL GOVT. INDUSTRIAL TRIBUNAL CUM LABOUR COURT,
JABALPUR(MP)
CASE NO. CGIT/LC/EPFA/08/2022
M/S Padmini Dhurve, Durg V/S RPFC, Raipur

Date of order of proceeding	Order or proceeding with signature of Presiding Officer	Signature of parties or pleaders where necessary
23-02-2022	<p>Matter taken up.</p> <p>Shri Ajay Pal Singh, Counsel for the Appellant. Shri J.K.Pillai, counsel for the respondent. Perused the report of the Registry.</p> <p>The impugned order is of 12-11-2021. The Appeal has been filed on 15-02-2022 hence beyond limitation, condonation for delay prayed. Delay condoned in the light of order of Hon'ble the Apex Court dated 10-1-2022 in case of Sou Motu Writ Petition(C) No.3 of 2020 R.E in cognizance of extension of limitation: Para 5 of the Judgement is reproduced as follows:</p> <p>"Taking into consideration the arguments advanced by learned counsel and the impact of the surge of the virus on public health and adversities faced by litigants in the prevailing conditions, we deem it appropriate to dispose of the M.A.No.21/2022 with the following directions:</p> <p>1.The order dated 23-3-2020 is restored and in continuation of the subsequent orders dated 8-3-2021, 27 4-2021 and 23-9-2021, it is directed that the period from 15-3-2020 till 28-2-2022 shall stand excluded for the purposes of limitation as may be prescribed under any general or special laws in respect of all judicial or quasi judicial proceedings.</p> <p>2.Consequently, the balance period of limitation remaining as on 3-10-2021, if any, shall become available with effect from 1-3-2022.</p> <p>3.In cases where the limitation would have expired during the period between 15-3-2020 28-2-2022, notwithstanding the actual balance period of limitation remaining, all persons shall have a limitation period of 90 days from 1-3-2022. IN the event the actual balance period of limitation remaining, with effect from 1-3-2022 is greater than 90 days, that longer period shall apply.</p> <p style="text-align: center;"></p>	

In the light of Order of Hon'ble Apex Court, Appeal is admitted for hearing condoning delay.

As regards maintainability of Appeal against Order U/S 7Q, which is separately passed, it is made clear that this Appeal has been admitted only against Order U/S 14B of the Act. The Appellant may seek remedy in proper forum with regard to Order under 7Q.

The learned counsel for appellant presses I.A.

Respondents filed reply to I.A's, taken on record.

Heard both the sides and perused the record.

Learned counsel has opposed the impugned order on merits on various grounds. The argument of respondent side is that the merits of the impugned order will be considered when the appeal is finally heard on merits. According to the learned counsel for the appellant, the impugned amount is huge and appellant is not in a position to deposit it. He further submits that simply because the appellant is not in a position to deposit the amount as required for his appeal being heard, it will be against the interest of justice to deprive him of his right to agitate against the order. He has placed reliance on case law Moolchand Yadav and Another Vs. Raza Bulund Sugar Company 1982(3)SCC 484 wherein it has been held. that judicial approach requires that during pendency of appeal the order under Appeal having serious civil consequences should be suspended.

Learned counsel for respondent has submitted that the Act is a beneficial legislation and there is no ground to exempt the appellant from making the pre deposit as provided by statute before this appeal can be entertained for hearing.

After having perused the records in the light of rival arguments, I am of the view that the interest of justice will be served after the appellant is required to deposit 40% of the amount under appeal within 30 days from today in the form of Demand Draft in favour of **Respondent**. In case of compliance of this condition, there will be stay on recovery of amount under Appeal.

Respondent to file Counter within 04 weeks from today, after serving a copy to the learned counsel of the Appellant. Rejoinder if any, within 02 weeks thereafter.

List the case for arguments on 22.04.2022


PRESIDING OFFICER