


**ORDER SHEET**

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

**CASE NO. CGIT/LC/EPFA/24/2021**

**M/S Shri Vardhaman Higher Secondary School, Ashok Nagar V/S APFC, Gwalior**

Date of order of proceeding	Order or proceeding with signature of Presiding Officer	Signature of parties or pleaders where necessary
12-05-2022	<p>Matter taken up.</p> <p>Shri Prashant Sharma, Learned Counsel for the Appellant. Shri J.K.Pillai, Learned Counsel for the Respondent. Perused the report of the Registry.</p> <p>The impugned order was passed on 01.07.2021, whereas the appeal has been filed on 28.10.2021 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 style="text-align: center;">"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> <ol style="list-style-type: none"><li>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.</li><li>2.Consequently, the balance period of limitation remaining as on 3-10-2021, if any, shall become available with effect from 1-3-2022.</li><li>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.</li></ol> <p>In the light of Order of Hon'ble Apex Court, Appeal is admitted for hearing condoning delay.</p> <p>The learned counsel for appellant presses his I.A and application U/S 7(O).</p> <p style="text-align: center;"></p>	

Heard learned counsel for appellant, during his submission, the learned counsel has relied on Judgment of Hon.'ble High Court of M.P.-Indore Bench in Kamla Nehru Balika Uchchatar Madhyamik Vidyalalya Bhopal Vs. State of M.P. and another (2008) 117 FLR 627 WP No.2212 of 2001.

Learned counsel for the respondent authority has opposed the application of waiver and prayed regarding recovery for stay with an argument that order and appeal is sound in law and fact and the Act is a welfare legislation.

After perusal of record in the light of rival arguments, the Appellant appears to have successfully established some arguable points in the appeal, hence he has successfully established his prima facie case at this stage, keeping in view the fact and circumstances of the case in hand, the balance of convenience is in favor of granting partial waiver under Section 7(0). Accordingly the amount under Section 7(0) is partially waived and the appellant is directed to deposit only 40% of the amount under appeal in favor of **Registrar CGIT (Payable at Jabalpur)** within 30 days from today.

Registry to report regarding the compliance, the appeal is entertained for hearing and recovery of remaining amount under appeal is stayed till disposal of appeal on the condition of compliance of the order within the stipulated time.

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 14-06-2022.

  
**PRESIDING OFFICER**