

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

CASE NO. CGIT/LC/EPFA/Misc/13/2022
M/S Spring Valley Public School, Indore V/S APFC, Indore

Date of order of proceeding	Order or proceeding with signature of Presiding Officer	Signature of parties or pleaders where necessary
07/10/2022	<p>Matter taken up.</p> <p>Shri Uttam Maheshwari, learned counsel for the Applicant/Appellant.</p> <p>Shri Devendra Prajapati, learned counsel for the respondent.</p> <p>Learned Counsel for Applicant/Appellant pressed his application for restoration. The Appeal No.EPFA-239/2017 was dismissed on 24-08-2022 due to non-presence of Appellant at the time of hearing. Restoration has been filed on 29-09-2022, hence is barred by limitation. He has relied on order of Hon'ble High Court of Delhi dated 07-05-2021 in case of Dewan Chand V/S The Central Board Trustees and Others Writ Petition (C) No.1441/2021 and CM No.4128/2021 with equivalent citation : 2021LLR664, 2021(4) SCT246 (Delhi) in cognizance of extension of limitation: Para 26 of the Judgement is reproduced as follows:-</p> <p>"26. The legal position when a question arises under Section 5 of the Limitation Act is fairly well-settled. It is not possible to lay down precisely as to what facts or matters would constitute "sufficient cause" under Section 5 of the Limitation Act. But it may be safely stated that the delay in filing an appeal should not have been for reasons which indicate the party's negligence in not taking necessary steps, which he could have or should have taken. Here again, what would be such necessary steps will again depend upon the circumstances of a particular case and each case will have to be decided by the courts on the facts and only tend to be a curb on the free exercise of the judicial mind by the Court in determining whether the facts and circumstances of a particular case amount to "sufficient cause" or not. It is needless to emphasise that courts have to use their judicial discretion in the matter soundly in the interest of justice."</p>	



Learned Counsel for the Respondent opposed the application.

Heard both the parties. In the light of the above directions of Hon'ble High Court Delhi, the appeal may be restored but on cost to compensate the inconvenience caused to the respondent.

Accordingly, allowing the restoration application, the order of dismissal of appeal passed in the Appeal No.239/2017 on 24-08-2022 is set aside on the condition of payment of cost of Rs.10,000/- (Rupees Ten Thousand only) to the Respondent within 30 days from today and filing a compliance report in time with the Registry, failing which this order shall stand vacated/recalled and restoration application shall stand dismissed.

Put up after 30 days.


PRESIDING OFFICER