

# ORDER SHEET

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL – Cum – LABOUR COURT,  
JABALPUR (M.P.)

Date of Order of Proceeding	Order Or Proceeding with Signature of Presiding Officer	Remark
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Case No. CGIT/LC/EPF(M)/17/2024

M/s Shri Vaishnav Polytechnic College V/S. RPFC Indore

12.08.2025	<p>Matter taken up.</p> <p>Learned Counsel Mr. Uttam Maheshwari present for Appellant Establishment and Mr. Bahulashwa Nandan, Learned Counsel present for Respondent Authority.</p> <p>Heard the Application for condonation of delay in filing the present appeal, perused the record.</p> <p>It comes out that order in this respect was passed by this Tribunal on 22.03.2024 holding the appeal barred by limitation and dismissing the Application for condonation of delay. This order was challenged by the Appellant Establishment before Hon'ble High Court of M.P. in <i>W.P. No. 15941/2024</i> at Indore Bench. A Single Bench of Hon'ble High Court held that the Tribunal had not assigned any reason for rejecting the Application for condonation of delay, hence setting aside the order, this Tribunal was directed to pass a fresh order on Application for condonation of delay in accordance with law considering the objections raised by the Respondent No. 3 in the writ petition.</p> <p>It is in compliance of this order of Hon'ble High Court dated 12.07.2024, this present appeal was restored, and both the sides then heard at length on the application filed by the Appellant Establishment for condonation of delay.</p>	
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	<p>As it comes out from the report of Registry and perusal of record that the order under appeal was passed on 03.05.2023 whereas the appeal was filed before this Tribunal on 13.02.2024. Learned Counsel for Respondent Authority has referred to <u>Rule 7(2) of The Employees Provident Funds Appellate Tribunal (Procedure) Rules, 1997</u> (in short the <b>Rules</b>) which provides that any person aggrieved by an order or notification may prefer appeal within 60 days from the date of issue of notification/order provided that this period of 60 days may be extended up to another 60 days, if the Tribunal is satisfied that the Appellant was prevented by sufficient cause from preferring the appeal within the period prescribed.</p> <p>The Rule is being reproduced as follows:-</p> <p><b><i>“(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 within 60 days from the date of issue of the notification/order, prefer an appeal to the Tribunal.</i></b></p> <p><b><i>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.”</i></b></p> <p>Learned Counsel for the Appellant Establishment has</p>	

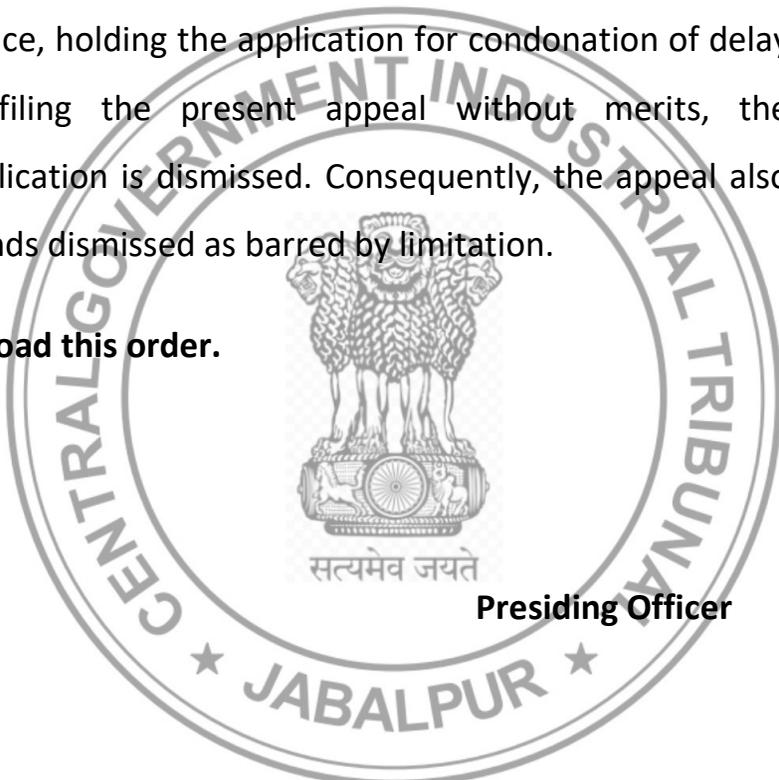
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	<p>submitted that though the order under appeal was passed on 03.05.2023, they came to know about the order only on 07.05.2023. After receiving order, it took time to take permission for filing appeal and the delay was only because the permission was granted late.</p> <p>Learned Counsel has further submitted that it is the settled proposition of law that disputes be decided on merits and not on technicalities. The Appellant Establishment has successfully made out a case for condonation of delay and delay should be condoned.</p> <p>On the other hand, it has been submitted by Learned Counsel for Respondent Authority that since the Act and the Rules provides specific provision with respect to limitation, the general principles in the <i>Limitation Act</i> will not apply in the case in hand. He further submits that admittedly, the Appellant Establishment came to know about the order under appeal on 07.05.2023, they could well file it within period of 60 days or another 60 days for reasons, but the appeal has been filed on 13.02.2024 and there is a delay of 281 days, only a vague ground that time consumed in getting necessary permissions is not sufficient. Learned Counsel has further submitted that the Application for condonation of delay is liable to be rejected.</p> <p>Since, the Act and the Rules provide special provisions with respect to limitations, the general principles as laid down in the Limitation Act have no applicability in this</p>	

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	<p>respect. My this view is supported by judgment dated 15.0.4.2024 of <b>Hon'ble High Court of M.P. at Jabalpur in W.P. No. 5799/2024</b>, referred to by Learned Counsel for Respondent Authority and another <b>Division Bench judgment of Hon'ble High Court of M.P. at Jabalpur dated 28.05.2024 in W.A. No. 1089/2024</b> wherein order of Single Bench above referred has been affirmed.</p> <p>Hence, holding the application for condonation of delay in filing the present appeal without merits, the application is dismissed. Consequently, the appeal also stands dismissed as barred by limitation.</p> <p><b>Upload this order.</b></p> <div data-bbox="422 873 1201 1653" style="text-align: center;"><p>Presiding Officer</p></div>	