


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

CASE NO. CGIT/LC/EPFA/MISC/3/2019
M/S M.P.LAGHU UDYOG NIGAM LTD. BHOPAL VS. RPFC, BHOPAL

Date of order of proceeding	Order or proceeding with signature of Presiding Officer	Signature of parties or pleaders where necessary
29-12-2021	<p>Matter Taken up.</p> <p>Shri Uttam maheshwari, learned counsel for the appellant. Respondent represented by learned counsel Shri J.K.Pillai.</p> <p>Heard on application for restoration of appeal as well as for condonation of delay. Grounds taken is that the order of dismissal of Appeal was served on appellant on 26-8-2019 and restoration application was filed on 19-9-2019, hence within 30 days from the date of service of the order. An affidavit is filed in support which is uncontroverted.</p> <p>Learned counsel for the OP/Respondent submits that the limitation should be counted from the date of dismissal and not from the date of service of dismissal order and the application is barred by limitation.</p> <p>Accordingly the learned counsel for the appellant has placed reliance on judgment of Hon'ble High Court of Delhi in W.P.(c) 1441/2021 and CM No.4128/2021 decided on 7-5-2021 (Dewan Chand Vs. The Central Board Trustees and Ors.), wherein Hon'ble the High court has held that the limitation should be counted from the date of service of dismissal order . Hence relying on the aforesaid case law, the application deserves to be restored condoning delay but on cost.</p> <p>Hence condoning delay the restoration application is allowed but on cost of Rs.10,000/- to be paid by applicant to OP/Respondent within 4 weeks. A compliance report be filed within 4 weeks by the applicant with the Registry.</p> <p>Non-compliance of this order shall result into dismissal of restoration.</p> <p style="text-align: center;"> PRESIDING OFFICER</p>	