

ORDER SHEET

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL/EMPLOYEES PROVIDENT
FUND APPELLATE TRIBUNAL, JABALPUR

Date of Order of Proceeding	Order Or Proceeding with Signature of Presiding Officer	Remark
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Case No. EPFA/60/2024

M/s. Group Securities & Worker Contractor V/S APFC Bhopal

18.07.2024	<p>Matter taken up.</p> <p>Adv. Shri Ashok Shrivastava for Appellant Establishment and Adv. Shri Abhishek Arjariya present for Respondent.</p> <p>Heard both the sides on application by Appellant Establishment for condonation of delay in filing the appeal. Respondent side has opposed this application orally. Perused the record.</p> <p>The appeal has been filed against order dated 13.04.2016 passed U/S. 14-B and 7-Q of the Act. Date of filing of appeal before this Tribunal is 01.07.2024.</p> <p>At the very outset, it is made clear that no appeal is admissible before this Tribunal against order U/S. 7-Q of the Act, hence the Appellant Establishment may seek remedies at proper Forum in this respect.</p> <p>The ground of delay as taken in the condonation application and submission of learned Counsel is that the Appellant Establishment preferred a Writ Petition No.-13428/2023 before Hon'ble High Court which was disposed by Hon'ble High Court with some directions. The Respondent Authority did not comply with the directions. Hence, there was delay in filing this appeal.</p> <p>On the other hand, learned Counsel for Respondent Authority has referred to Rule 7 (2) of the EPF Appellate Tribunal (Procedure) Rules 1997 and has submitted that since there is specified</p>	
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	<p>period of limitation of 60 days with another 60 days in the Rules, the general limitation as provided in Indian Limitation Act 1963 will not apply in this case. Hence, Section 5 of Limitation Act will also not apply.</p> <p>Rule 7(2) in The Employees' Provident Funds Appellate Tribunal (Procedure) Rules, 1997'</p> <p><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: 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></p> <p>Since, the Act and the Rules itself provide limitation, the general law of limitation, as provided in Indian Limitation Act 1963 will not apply.</p> <p>No other point was pressed.</p> <p>In the light of above discussion and findings, the said appeal is held barred by limitation and is dismissed at admission stage itself as time barred.</p> <p style="text-align: right;">Presiding Officer</p>	