

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 |
|--|---|--------|
| Case No. CGIT/EPFA/18/2025 M/S. Saraswati Shiksha Parishad Rewa V/S RPFC Jabalpur | | |
| 11.07.2025 | <p>Matter taken up.</p> <p>Mr. Abhinav S. Kherdikar present for Appellant Establishment and Mr. Abhishek Arjariya is present for Respondent Authority.</p> <p>Heard both the sides on application dated 27.02.2025 of Appellant Establishment filed with affidavit seeking condonation of delay in filing the appeal. According to report of registry, the appeal has been filed on 01.04.2025, the orders appealed against have been passed on 31.10.2022 and 17.02.2023. Hence, the appeal is apparently beyond period of limitation of 60 days also another extended 60 days as provided in the Rule 7 (2) of EPF Appellate Tribunal Procedure Rules 1997.</p> <p>The grounds taken from the side of Appellant Establishment is that they have preferred a Writ Petition No. 560/2024 before Hon’ble High Court of M.P., which was subsequently withdrawn by them and was disposed as withdrawn by Hon’ble High Court vide its order dated 13.02.2025, when the Respondent Authority took a case in the writ that the said writ was not maintainable. They were further advised to file appeal before this Tribunal. It has been submitted by learned Counsel for Appellant Establishment that since they have been pursuing remedy in a wrong Forum, this bonafide mistake should be condoned in the interest of justice. Learned Counsel also submits that they should not be denied justice on purely technical grounds. Learned Counsel for Respondent Authority has submitted that firstly, the orders against which the appeal is proposed, such an appeal is not maintainable because these orders are not appealable and secondly, since the Act itself provides period of limitation,</p> | |

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| | <p>provisions of Limitation Act will not apply. He has referred to Single Bench Judgment of Hon’ble High Court of M.P. at Jabalpur in the case of W.P. No. 5790/2024 wherein this view has been taken. Learned Counsel further submits that this view of Single Bench has been approved by Division Bench.</p> <p>For the sake of convenience, the point of maintainability of this appeal is being taken first. Perusal of records shows that the order dated 31.10.2022 has been passed by the Authority u/s. 14-B of the Act which is appealable. The other order appealed against is order dated 17.02.2023 which is order u/s. 8-F of the Act. There is no provision of appeal against order u/s. 8-F of the Act. Hence, the order u/s. 14-B of the Act is held appealable, whereas the appeal against order u/s. 8-F of the Act is held not appealable. Consequently, the appeal so far it relates to order u/s. 8-F of the Act is held not maintainable.</p> <p>Now coming to limitation in filing the appeal, since the Act contains special provisions with regards to limitation, provided in the Act and the Rules, general provision in Limitation Act will not apply. My this view finds support from the decisions referred above.</p> <p>Hence, the appeal, so far as it relates to order u/s. 14-B is held not maintainable.</p> <p>In the light of the above observations and findings this appeal is held not maintainable and is disposed accordingly at the stage of admission itself.</p> <p>Upload this order.</p> <p>Presiding Officer</p> | |