

ORDER SHEET

CENTRAL GOVT.INDUSTRIAL TRIBUNAL CUM

LABOUR COURT, JABALPUR(MP)

CASE NO. CGIT/LC/EPFA/10/2023

M/s Saisun Outsourcing Service Pvt. Ltd. V/S RPFC, Jabalpur

Date of order of proceeding	Order or proceeding with signature of Presiding Officer	Signature of parties or pleaders where necessary
22.05.2024	<p>Matter taken up. Adv. Uttam Maheshwari is present for Appellant. Adv. Abhishek Arjaria is present for Respondent.</p> <p>Heard both the sides on application for Condonation of Delay. Perused record.</p> <p>The order under appeal was passed on 08/12/2022. Appeal filed on 03/05/2023 hence, it is apparently beyond limitation of 60 days as well extended 60 days as provided Rule 7 of this Tribunal Procedure Rule 1997.</p> <p>Ld. Counsel for Appellant submits that they first came to know about the impugned order only on 10/02/2023 when they received copy of order sent to them by Respondent hence, limitation will run from the date of knowledge of the order.</p> <p>Countering this argument, Ld. Counsel of Respondent submits that Limitation Act 1963 will not apply in this case because the Act itself contains special provision regarding limitation he has referred to rule 7(2) of the Tribunal Procedure Rule 1997.</p> <p>Ld. Counsel further submits that the Appellant was aware of the proceeding because he did participate in the proceeding before the Respondent.</p> <p>Ld. Counsel for Appellant submits in reply that, the fact that the Appellant received copy of the order under appeal only on 10/02/2023 is not disputed by Respondent and also the there is no other mechanism to know about the Order. Ld. Counsel had referred to Sec. 27 of General Clauses Act in this respect.</p> <p>Since there is a special provision for limitation in the Act and Rules itself they will prevail over general provision as mention in Limitation Act (were limitation run from date of knowledge) Hence, the Appellant cannot be given benefit of Limitation Act for Condonation of Delay.</p>	

In the light of above discussion the Application for Condonation of Delay is liable to be dismissed and dismissed accordingly.

Consequently, holding the appeal barred by limitation, it stands disposed accordingly.

In the light of Judgment of Hon'ble High Court of M.P. in W.P. No. 28789/2019, appeal against order under Sec. 7Q is held not appealable. Hence, the aforesaid order holding the appeal heard by Limitation will apply only with respect to order under section 14B of the Act only.

PRESIDING OFFICER