

ORDER SHEET

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
JABALPUR (M.P.)

Date of Order of Proceeding	Order of Proceeding with Signature of Presiding Officer	Remark
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Case No. CGIT/LC/EPFA/02/2026

M/s Kasturba Gandhi National Memorial Trust V/S A.P.F.C., Indore

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19.03.2026	<p>Matter taken up.</p> <p>Mr. Uttam Maheshwari, Learned Counsel present for Appellant Establishment, and Mr. Harshit Patel, appears for Respondent Authority, files his Vakalatnama, taken on record. Also files reply to Application for Condonation of delay and reply to I.A. as well reply to Application u/s 7(O) with affidavits. Copies served taken on record.</p> <p>Heard both the sides on Application for Condonation of delay in filing the Appeal.</p> <p>Perused record.</p> <p>The order under Appeal is passed on 07.11.2025, the Appeal has been preferred on 19.01.2026, so it's beyond the period of limitation of 60 days but within limitation of extended 60 days. Grounds taken are supported by affidavit, not controverted by any counter affidavit, grounds are found sufficient, hence condoning delay, and the Appeal is taken for hearing.</p> <p>Learned Counsel further pressed his Application u/s 7(O) of the Act and 1-A seeking waiver in mandatory deposit and protection against recovery. Heard both the sides on these two applications.</p> <p>Learned Counsel for Appellant Establishment has submitted that the proceedings before Respondent Authority have started on the basis of a complaint</p>	


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	<p>made by an individual complainant which has not been rooted to the compliance section of the department. Hence, holding the proceedings is vitiated in law. He has referred to Judgment of Hon'ble High Court of Bombay in the case of G4S Secure Solutions (India) Pvt. Ltd. v/s Employees' Provident Fund Organisation (EPFO) & Ors., (2026) LLR 87. It has been submitted from the side of Respondent Authority that proceedings have been conducted in compliance of order of Hon'ble High Court passed in W.P. No. 5929/2021, a photocopy of the order dated 22.06.2023 has been produced for perusal, which goes to show that the complainant petitioner was granted liberty to approach the department by way of filing appropriate application within 15 days from the date of order and the department was directed to consider it in accordance with law.</p> <p>Further argument from the side of Appellant Establishment is that the Hon'ble High Court did not condone the procedure required under the Act and the Rules as well Circulars in this respect which has to be followed by the department in case of private complainants as provided in the referred judgment.</p> <p>I am of the considered view that these arguments affect the merit of the Appeal which will be taken into at the time of final argument. At this stage, the appellant side is held to have been successful in making out a <i>prima facie</i> case in their favour. Keeping in view the facts and circumstances of the case in hand, the Application u/s</p>	

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	<p>7(O) of the Act may be allowed partly. Hence, the requirement to deposit of 75% of amount under Appeal is partially dispensed with and the Appellant Establishment is required to deposit 40% of the amount under Appeal in favour of Registrar, Central Government Industrial Tribunal, Delhi by way of Demand Draft/RTGS within 30 days from the date of order, Application u/s 7(O) stands disposed accordingly.</p> <p>On the condition of deposit of 40% of amount as stated above, the order under Appeal will not be executed.</p> <p>Respondent to file counter after supply of copy within four weeks, rejoinder if any within two weeks thereafter.</p> <p>List the matter on for final hearing.</p> <p>Upload this order.</p> <p style="text-align: center;"> सत्यमेव जयते PRESIDING OFFICER</p>	