

**BEFORE THE HON'BLE PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR COURT, DELHI; ROOM NO 208,
ROUSE AVENUE DISTRICT COURT COMPLEX, NEW DELHI-110002.**

APPEAL NO. D-1/31/2020

M/s. Parth Engineering Works

Appellant

Vs.

CBT &RPFC/ APFC Delhi-South& another

Respondent

ORDER DATED 09.10.2020

Hearing held through Video Conference

Present:- Shri Rajeev Shukla, Ld. Counsel for the Appellant.

Ms. Rashmi Malhotra, Ld. Counsel for the Respondent No. 1,2 & 3.

Shri Gulab Chandra Jha, Asst. Manager-Legal, DMRC for
Respondent No. 4.

Today the matter was listed for hearing on the Miscellaneous Application dated 07.10.2020 filed by the Appellant. The Ld. Counsel for the Appellant submitted that the Appellant had submitted an amount of Rs.2,01,168/- in partial compliance of the order dated 14-September-2020 and due to the current economic scenario the Appellant is not in a position to deposit rest of the amount out of Rs.4,00,000/- so as to ensure full compliance. Further, he requested that the Principal employer i.e. Respondent no. 4 be ordered to share the remaining amount as laid down for the condition of stay. He also submitted that there is still some amount outstanding on the part of Respondent no. 4. which is to be paid to the Appellant establishment.

Shri Gulab Chandra Jha, Asst. Manager-Legal DMRC submitted that although he had been informed telephonically about the fact that the contract between DMRC and the Appellant establishment ended in the year 2018, he has to collect information from the respective department of his organisation about the status of any unpaid dues and their quantum in respect of the Appellant establishment.

The Ld. Counsel appearing for the Respondent no. 1, 2 & 3 raised serious concerns about the delay in depositing the amount as decided for a conditional stay.

Considering all the submissions, this Tribunal is of the considered opinion that the Respondent No. 4 i.e. DMRC is directed to file an affidavit before 16.10.2020 (Friday) regarding the factual position of the amount outstanding and required to be paid to the Appellant establishment and quantum of such amount for proper adjudication of the present application. The copy of the same be also provided to the Appellant as well as counsel for Respondent no. 1, 2 & 3 in advance. List the matter for further consideration of this application on 16-October-2020.

Meanwhile, the respondent authority (EPFO) is directed not to take any coercive measures for recovery of the amount as mentioned in the impugned order till next date.

Sd/-

Presiding Officer