

**BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL CUM LABOUR COURT-II, ROUSE AVENUE, DISTRICT COURT  
COMPLEX, DELHI.  
(Pronounced from Camp Court at Mumbai)**

Present:

Smt. Pranita Mohanty,  
Presiding Officer, C.G.I.T.-Cum-Labour  
Court-II, New Delhi.

**ATA No. 1029(16)2016**

M/s. Shyam Singh Bhatta  
Appellant

VS.

APFC, Gurgaon  
Respondent

**ORDER DATED :-19/07/2022**

Present:- Shri Krishan Kartik, Ld. Counsel for the appellant.  
None for the Respondent.

This order deals with the application filed by the appellant on 27.11.2019 praying restoration of the appeal dismissed for default to file and to set aside the order dated 23.09.2019.

Copy of the petition being served the Ld. Counsel for the respondent filed reply. Argument was heard being advanced by the counsel for appellant. The only argument advanced by the appellant is that for want of knowledge steps could not be taken on 23.09.2019 leading to dismissal of the appeal. Inaction was not intentional but for lack of knowledge. The appeal involves valuable right of the appellant. If it would not be restored to file serious prejudice shall be caused. The objection by the respondent is that the application for setting aside the order of dismissal is barred by limitation. The application as per rule 15 of the EPF Appellate Tribunal Rules 1997 should have been filed within 30 days. Since, the application was filed beyond the prescribed period it should be rejected. Perusal of the record shows that the appeal was pending before the erstwhile EPFAT. After merger of EPFAT with CGIT notice was issued to both the parties and for the first time the matter came up before this tribunal on 23.09.2019. On that day whereas the respondent appeared through his counsel none appeared on behalf of the appellant leading to dismissal of the appeal. The appellant has stated that when the order was communicated the petition was filed soon thereafter on 27.11.2019. But the same was not listed before this tribunal by the registry for a pretty long period and an explanation was called from the Registrar. It seems the default in filing the restoration



application in time and listing of the matter after a delay is not for any mistake attributable to the appellant but for a situation beyond his control. Hence, the application for restoration is allowed. The dismissed appeal is restored to its original no. Call on 31/08/2022 for further proceeding.

Presiding Officer

