

ORDER SHEET
CENTRAL GOVT.INDUSTRIAL TRIBUNAL CUM LABOUR COURT,
JABALPUR(MP)

CASE NO. CGIT/LC/EPFA/05/2021
Indore Municipal corporation Vs. RPFC Indore & Others

Date of order of proceeding	Order or proceeding with signature of Presiding Officer	Signature of parties or pleaders where necessary
15-3-2021	<p>Taken up.</p> <p>Shri Uttam Maheshwari, learned counsel for the appellant and Shri J.K.Pillai, learned counsel for the responder, present..</p> <p>Perused the report of the Registry.</p> <p>Copy of Memo of Appeal with documents served on learned counsel for respondent Shri J.K.Pillai.</p> <p>Heard on an application under Section 7(o) of the 'Act'.</p> <p>Perused the record.</p> <p>Learned counsel for Appellant has put his arguments on merits of the appeal which are not be discussed here in detail. His main submission is that, this is close of financial year and appellant establishment is not in a position to deposit 75% of the amount as mandated under Section 7(0) of the 'Act' because of budgetary</p>	

constraints .

Opposing these arguments, learned counsel for the Respondent Shri J.K.Pillai has submitted that the Act is welfare legislation and has to be complied with in letter and spirit. He also filed detailed reply in this respect.

Section 7(0) of the Employees Provision and Misc. Provisions Act, 1952 reads as under:-

7-O. Deposit of amount due, on filing appeal.- No appeal by the employer shall be entertained by a Tribunal unless he has deposited with it seventy-five per cent. of the amount due from him as determined by an officer referred to in section 7A:

Provided that the Tribunal may, for reasons to be recorded in writing, waive or reduce the amount to be deposited under this section.

Thus the reading of the aforesaid provisions states that the amount of 75% can be reduced in fit cases with adequate reasons. IN the case in hand, the amount involved in the appeal is Rs.5,44,41,640/- which is a huge amount in the end of financial year. The Appellant Establishment is an instrumentality of Government, engaged in local administration. Depositing 75% of such a huge amount may destabilize the Appellant Establishment at the end of the financial year .Hence, in these circumstances; the Appellant Establishment is permitted to deposit 50% of the amount by way of

demand draft in favour of Registrar, CGIT, Delhi within 15 days from the date of order for admission of the appeal.

The respondent is restrained from taking any coercive action, for recovery of the amount under Appeal, subject to compliance of this order within time.

The appeal be registered.

Respondents to counter within 30 days from today with documents after serving a copy thereof to learned counsel for the appellant. Rejoinder if any, within 15 days thereafter.

List on 5-5-2021 for final arguments.

PRESIDING OFFICER

