

(2022) 12 MP CK 0012

In the Madhya Pradesh High Court

Case No : Writ Petition No. 27754 Of 2022

Municipal Corporation Durg

APPELLANT

Vs

Employees Provident Fund Organization

RESPONDENT

Date of Decision : 05-12-2022

Acts Referred:

Constitution Of India, 1950 — Article 226, 227
Employees Provident Fund Act, 1952 — Section 71

Citation : (2022) 12 MP CK 0012

Hon'ble Judges : Sushrut Arvind Dharmadhikari, J

Bench : Single Bench

Advocate : Aditya Ahiwasi, J.K. Pillai

Final Decision : Disposed Of

Judgement

Sushrut Arvind Dharmadhikari, J

In the instant petition under Article 226/227 of the Constitution of India, the petitioner has called in question the validity of the order dated 11.11.2022 passed by Central Government Industrial Tribunal cum EPF Appellate Tribunal, Jabalpur, whereby the application seeking condonation of delay in filing the appeal under Section 7-I of the Employees Provident Fund Act 1952 filed by the petitioner has been rejected on the ground that the Tribunal has no power to condone the delay beyond 120 days.

Learned counsel for the petitioner submitted that there is delay of near about two months and the delay has already been explained. The only reason for rejection is that the tribunal has no power. In such a situation, in the interest of justice, delay needs to be condoned for the reasons mentioned in the application.

On the other hand, learned counsel for the respondent opposed the prayer and submitted that the petition deserves to be dismissed.

Taking into consideration the facts and circumstances of the case as well as in

the interest of justice, the delay occurred in filing the appeal before the Central Government Industrial Tribunal cum EPF Appellate Tribunal, Jabalpur, is hereby condoned and appeal is restored subject to payment of cost of Rs.1000/- (Rupees One Thousand) before the respondent within fifteen days from today.

The Tribunal is directed to hear the appeal on merits subject to compliance of the aforesaid direction.

It is made clear that this Court has not expressed any opinion on the merits of the case.

With the aforesaid, the instant writ petition stands disposed of.