



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.5114 OF 2019

PETITIONERS : 1 Shri Sarswati Education Society, Through its
Secretary, Akola.
2 Tirupati Tantra Niketan Aarya Bhatta
Institution of Computer Science, Akola.
3 Krishnaji Joshi B. Ed., College, Through its
Secretary, Akola.

..VERSUS..

RESPONDENTS : 1. Employees Provident Fund
Organization, S.R.O. Civil Lines,
Akola, Through the Assistant
Provident Funds Commissioner, Akola.
2. The Central Government Industrial
Tribunal, nagpur.

Mr S. S. Ghatge, Advocate for Petitioners.
Mr A. R. Prasad, Advocate for Respondent No.1.

CORAM : **SIDDHESHWAR SUNDARRAO THOMBRE**

DATE : **17th NOVEMBER, 2025.**

ORAL JUDGMENT

. Heard.

2. **Rule.** Rule made returnable forthwith. Heard finally
with the consent of learned counsels for the parties.

3. The present petition is directed against the order passed by the Presiding Officer, Central Government Industrial Tribunal, Nagpur, whereby the appeal filed by the petitioners for condonation of delay came to be rejected on the ground of limitation.

4. Learned counsel for the petitioners submits that the order under Section 7-A of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (hereinafter referred to as, "EPFA and MP Act) was passed on 01.04.2014 and the same was received on 09.04.2014. Therefore, as per Section 7-B of the EPFA and MP Act, the prescribed period to file review was 30 days. Within that period, the petitioners filed a review on 30.04.2014. The authority, before whom the review application was filed, decided the proceedings on 18.09.2018 and the said order was received by the petitioners on 15.02.2019. As the review of the order dated 01.04.2014 had been filed, once the proceedings were finally decided on 18.09.2018, the petitioners were required to challenge both the orders passed under Section 7-A of EPFA and MP Act as well as the order passed in review.

Therefore, the learned counsel for the petitioners submits that the authority committed an apparent error in holding that the appeal was beyond limitation, as Section 7-A order dated 01.04.2014 had already been subject to review. Accordingly, it is submitted that the petition deserves to be allowed.

5. Per contra, learned counsel for respondent No.1 admits that the order under Section 7-A EPFA and MP Act was passed on 01.04.2014 and that the petitioners filed a review application on 30.04.2014 within the prescribed period of limitation. However, he submits that when the petitioners filed an appeal challenging the order dated 18.09.2018, the same was beyond limitation, as under statute, an appeal against an order under Section 7-A must be filed within 60 days and further delay of only 60 days can be condoned. Therefore, after a total of 120 days, the authority has no power to condone the delay. He submits that the authority rightly considered the matter and rejected the appeal as time barred.

6. I have heard learned counsel for the petitioners and the learned counsel for the respondent No.1.

7. It is an admitted fact that the order under Section 7A of the EPFA and MP Act was passed on 01.04.2014. The petitioners thereafter moved an application for review, which was entertained and finally decided on 18.09.2018. Once the review proceedings were decided, the petitioners were required to challenge both the review orders and the original order under Section 7-A of the EPFA and MP Act. The final order on review was received on 11.02.2019, and therefore, from that date, the appeal should have been filed within 60 days. The appellate authority could further condone a delay of 60 days. The appeal was, in fact, filed on 18.03.2019 well within the permissible time. Even if filed with a delay condonation application, there was effectively no delay at all. The authority, therefore, erred in holding that the appeal was time-barred.

8. Considering the above facts, it is clear that the appeal was filed within limitation. Hence, the petition is allowed. The order passed by respondent No.1 cannot be sustained and is accordingly quashed and set aside.

9. Both counsels have submitted that the appeal pertains to the year 2019. Respondent No. 1 is directed to decide the appeal on its own merits within a period of six months from today.

(SIDDHESHWAR S. THOMBRE, J.)

TAMBE.