



V&M ASSOCIATES
ADVOCATES & SOLICITORS



April -2015

Newsletter

Volume: 02

Issue: 12

About us:

V & M Associates is a full-fledged law firm established in the year 2003 at Chennai by a team of qualified practicing Advocates. The team has been practicing in different portfolios like Employment and Industrial Laws, Civil laws, Criminal laws, Intellectual Property Act, and from inception we have been representing clients of different backgrounds and advise them in diverse, complex and high profile matters. We cater to all clients from small scale industries to multinational companies during these years. Our support is to provide complete Legal Assistance, Advisory Services, Opinions, Court Representations and Arbitrations to Corporate Organizations. Our expertise includes complete Statutory Compliance Audit for corporate and submission of Management Information Report with Compliance percentage and guiding the corporate for continuous improvement. Our services are of highest quality legal work executed in an efficient and cost effective manner.

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The Editor's Desk

Dear Fellow Professionals, Learned Leaders and Beloved Readers,

V & M Associates, wishes you all a very Happy and Performing Days ahead by the Grace of Almighty, on this special occasion of Tamil New Year Day. This year is called as "Manmatha Varudam" in Tamil Language, of course the New Year for all of us in terms of Accounting and Financial aspects. It is believed and predicted that this year shall be driven by West with more prosperity and it is a good sign that our Financial HQ Mumbai will do very well, in terms of newer trends in Financial Market with an assured sustainability of performance. As tradition of beliefs go expected to be a good year for all Manufacturing Industries, Mines, Plantations, Agriculture, Iron & Steel Companies. Above all the year for Happy Employees in All sectors - leads to better stay & Performance of course higher Pay with over all march towards a Healthy & Progressive Year.

We make an Appeal to you that let's avoid the simple slippages leading to serious damages and make it as a habit to attend to the daily disciplines of corporate to really enjoy the God Given Prospective Days in the Form of Promising Market Performance. Needless to state that we at **V&M Associates** are always ready to dive into the attention of the details in the granularity level and eliminate the cause with an assurance of compliances at all time as part of our passion and a promise to you .

Feel free to reach us – **V & M Associates**, the one shop H R & Legal Advisory Consulting Company with a Magic Band to Serve you humbly within your financial provisions, since we understand the same in a positive way with the only objective of ::::: Tomorrow

MAKING YOU TO GROW... FOR US TO FOLLOW ...THROUGH OUR HIGH QUALITY SERVICES

TAKE A BREAK & GO FOR IT ...V & M ASSOCIATES... IF NOT... TODAY PLEASE.....

HAPPY READING & NEEDY LEARNING FOR BRIGHTER TOMORROW

With warm wishes,





YOUR SEARCH..... ENDS HERE

New FY Planning For Business Managers:

Every new Financial Year , the practicing managers and Business Leaders Firm Owners should take the time to sit down and do a little planning, just to make sure that they'll be able to keep their company ahead and to bring back to a right & progressive path. We at **V & M Associates** professionally facilitate every Leaders in their respective segment to emerge as Leaders in their sector through **Advisory services, Adherence audit, Adhoc Corrections, Realigning the workforce, Redefining the Business Goals** with customize case references, Operative Devices and Specific Management Tool Kits, with a single most priority of crating benefits to all the Stakeholders.

Resource Management:

Staffing needs should be considered, as a High Priority in the desk top of any performing Manager. The devices what we provide at **V & M Associates** shall help to recognize any deficiencies early on in the fiscal year so that appropriate adjustments can be made. It is also essential that finding, hiring and training the "right person" can really solve half of the problems Furthermore, it's important to realize that many Employees tend to ponder their own futures at the end of the FY So it is better to start thinking about whether they intend on sticking with the company or moving on, if we want to retain the performing team what should be the approach.

Third Party Managed Services, Vendors & Suppliers:

It should go without saying that every business houses, should periodically review vendors and suppliers to make certain that they are giving competitive prices and delivering quality service. The beginning of the year may be the best time of year to review vendors and redraw the arrangements with the financial impact driven analysis. It would be appropriate to fix fair and firm business terms with every vendors, outsourced managed services, and suppliers through proper documentation & Contracts in place. The readers may choose to avail the services of **V & M Associates' Contract Management Services**, like most of our clients who enjoys a graceful and beneficial means of managing the most important modern and ever growing stake holder of business Eco System

Importance of Check & Preventive Management for the Equipment's:

Manufacturing companies and many service-related businesses depend on machinery, supplies and a variety of other equipment (from vehicles to assembly devices) to operate. However, many Business Leaders are caught up either in the day to day transactions or thick of re-strategy issues and most of the time with their CFO's the internal wealth custodian of the company and may keep the periodic equipment checks last in the list. We emphasis the pre-check should be one of the high focused agenda and make sure that they are scheduled. In general the first Quarter is a right time to validate the fitness of the Equipments and plan for any additional investments. We at **V & M Associates provide professional assistance** to some of our clients through our **Inventory & Equipment Utilization Audit**.

Statutory Compliances & Insurance Coverage risk mitigation plan:

The Cost of non-compliance with any legal provisions or regulatory norms may not only cost financial impact at time can also be fatal to the performing organization in the form of prosecution notices, attachments etc. There are such news items always invited major attention of the Industry, be it a simple injunctive order on an employee's transfer or complex issue of transfer pricing. Though we all understand the sensitivity of Statutory Compliances, we are genetically habituated to leave the same in choice or attend to it when warranted. As we know that it may not be intentional still marked in the stick pads. We the **V & M Associates designed a Comprehensive exclusive Legal & Statutory Compliances Tracking, Audit, Closure system** can help you from the slippages of missing stick pads notes and prevent you from unexpected legal casualties

May be the beginning of the year would be the right time to validate the Corporate Insurance Plans and related analysis based new policies to cover the basic risk factor be it simple welfare policies like Medical Claim or Business Liability Insurance or automobile Policies. The corporate keen to recalibrate their current Insurance Coverage & Exposure including Employee Benefit Insurance Program, be it WC Policy Coverage or PG Coverage can be in touch with **V & M Associates Benefit, Insurance & Employee Welfare Advisory Services**

Respect the Guardian of Business the Customer & Sustain the Bottom Line:

Needless to state every Business House should make a positive and progressive Bottom Line – in true spirit not only to make their Business Healthy and also to strengthen the Business Eco System. You as one of the core competent Practicing Manager who has greater domain of your business may draw relatively better Marketing Plans, Sales Programs, High order Market Positioning Activities etc., to transform the Dream of Every Investor. We at **V & M Associates** can reassure you again to be with you in hard, tough & needy complex situations and ensure that your commitment to keep the life of Die Hard Spirit of our Employees till we achieve the Goal of This FY – be it Efficiency, Productivity, Utilization, Competency, Optimization, Governance, Error Free Compliances, Free from Litigations, Profitability or appreciative models of employees and the King of our Business – The Customer.



News

Centre working on Labour Law changes

The Centre will likely take up changes to the Industrial Disputes Act on the lines of what the Rajasthan government recently did, sources said.

The Union Ministry has started work on clubbing all the 44 Labour Laws into five segments- Industrial Disputes Act on the lines of what the Rajasthan government recently did, sources said.

Labour Ministry to conduct stress busting workshop

The government will soon kick-start stress management and efficiency improvement classes for its employees, move akin to the corporate world but unheard of in the government.

A senior government official told ET that select employees of the Labour Ministry will undergo a three-day technical workshop on stress management to be conducted by the National Council for Training and Social Research in April.

Pay disparity increases in India: Hay Group Study

Reflecting an increasing pay disparity in India during last six years, senior managers have been paid 11.7 times more than their lower level workers, according to a Hay Group Study. According to the study, since 2008 the pay gap between lower level employees and senior managers in India has widened from a figure of 7.7 in 2008 to 11.7 in 2014.

Ministry of Labour and Employment moves forward for implementation of amended Apprentices Act

Ministry of Labour and Employment has taken quick steps to implement the amended Apprentices Act. Draft recommendations for Rules under the Act have been placed on website for public comment.

The Government has taken initiatives to revamp apprenticeship scheme. The Apprentices Act, 1961 has been amended and brought into effect from 22nd December, 2014. These amendments have been made with the objective of expanding the apprenticeship opportunities for youth. Non engineering graduates and diploma holders have been made eligible for apprenticeship. A portal is being set up to make all approvals transparent and time bound. Apprenticeship can be taken up in new occupations also. In light of the new amendments, the Apprenticeship Rules, 1992 are required to be framed/ amended in consultation with the Central Apprenticeship Council – a statutory body under the Act. A working Group has been constituted by Ministry of Labour and Employment for framing draft apprenticeship rules.



EPF News

EPFO plans rules to curb premature withdrawals

To ensure that its subscribers have a social security net in their old age, the Employees' Provident Fund Organization (EPFO) is planning to restrict pre-mature withdrawals and hold back at least 10 per cent of contribution till the member reaches the age of 50.

During a recent review meeting of Employees' Provident Fund Commissioner K.K Jalan has sought a proposal for discouraging complete withdrawal of Provident Fund by member before their retirement.

Unions against EPFO funds in equity

Trade unions have decided to oppose a proposal to invest a part of retirement fund body EPFO's huge corpus of Rs.6.5 Lakh crore in equity markets. The unions have taken this stand after the Finance Ministry issued a new investment pattern for non-government provident funds, asking them to invest a minimum of 5 per cent of their investible corpus in equity or equity-related instruments. Such investment could go up to 15 per cent of total funds, said a Finance Ministry release.

EPF contributions proposed to be on entire pay packet

Sweeping changes are proposed by the government to the law governing Employees Provident Fund (EPF) and has suggested doing away with the mandatory 12% contribution by employees in certain cases, while retaining the employers' share. The labour ministry is expanding the scope of wages beyond the basic salary to include all allowances, such as those paid for authorized leave, strikes and layoffs or other allowances that are paid at intervals not exceeding two months. The draft legislation also seeks to increase the coverage of EPF to companies that employ less than 20 employees.

Further, there are also proposals to strengthen the appellate tribunal, tone up recovery in case of defaulting companies and increase the penalty that can be levied. The draft bill has run up against a wall of protest from trade unions, which fear a decline in their influence.

As a result, the unions are now demanding "detailed discussions" on the bill with representatives from the labour and finance ministries.

Online PF withdrawal will take time

Over five crore members of EPFO will have to wait for a few months to be able to use the online PF withdrawal facility as the retirement fund body wants the system to be "fool proof". After the launch of this facility, subscribers will be able to apply online for withdrawal of the provident fund which will be transferred directly to their bank accounts. At present, the subscribers, who wish to settle their accounts with the Employees' Provident Fund Organisation, are required to apply manually for withdrawing PF.

Reclaiming inoperative EPF simplified

A dormant and inoperative EPF account is one where there has been no contribution for a period of 36 months. No interest is paid on such dormant accounts. To reclaim money lying dormant in EPF accounts, you need to register for a Universal Account Number (UAN) with the EPFO if you don't have one already. You can do this at uanmembers.epfoservices.in. Log into the EPFO website at www.epfindia.com. The facility to track down your EPF is available on the home page. The form you need to fill requires you to first describe the nature of the reasons behind your PF account being rendered inoperative and the help solicited from the EPFO.

You then have to fill up the details of your employment. This includes the establishment code (in case you don't know it, there is a facility to search for the code). Your PF account number, the establishment's name and address with all the related details.

In addition, details, such as your date of joining and leaving and the name of the PF office where the contributions would have been made are to be provided. You can leave fields blanks if you don't have the necessary information. Once done, you will receive a reference number, which you should note down.

If after tracing your money, the helpdesk will guide you on the way forward in transferring the amount lying in your inoperative account to your current one, or even withdraw the money using the relevant claim form. A representative from the EPFO will get in touch with you personally, and in the language of your choice to boost. The EPFO even has a web facility to help transfer old account dues to existing accounts. You have to provide correct contact details and email address and only your own mobile number. This last one is so that the EPFO may easily contact you. In case there is no response on the registered mobile, the case will be closed.



"I'm an expert at multitasking. I can digest food, grow hair, circulate blood, repair cells, make saliva, breathe, blink, walk and talk, all at the same time!"

LATEST

AMENDMENTS & NOTIFICATION



कर्मचारी भविष्य निधि संगठन
EMPLOYEES' PROVIDENT FUND ORGANISATION
(श्रम एवं रोजगार मंत्रालय, भारत सरकार)

MINISTRY OF LABOUR AND EMPLOYMENT, GOVERNMENT OF INDIA

मुख्य कार्यालय/Head Office

भविष्य निधि भवन, 14, भीकाजी कामा प्लेस नई दिल्ली -110066

Bhavishya Nidhi Bhawan, 14, Bhikaji Cama Place, New Delhi -110066

www.epfindia.gov.in, www.epfindia.nic.in

No.EDLI-EXEM/SBI Life Insurance/2014

date

09 APR 2015

To

All Addl. Central Commissioners (Zones),
All Regional Commissioners- In charge Regions & SROs.

Sub: Revision in "SBI Life Sampurna Suraksha" Policy in lieu of EDLI, 1976.

Sir,

The "SBI Life Sampurna Suraksha" Policy (UIN: 111N040V02) offered by the M/s. SBI Life Insurance Co. Ltd. had been approved as a policy which can be opted by establishments in lieu of the EDLI, 1976 Scheme while seeking exemptions under the scheme vide circular letter No. Co-ord /2 (2) 2002/amend/pt/4827-5027 dated 14.06.2005.

2. It has since been informed by M/s. SBI Life Insurance Co. Ltd. that the above referred policy has been revised in compliance with new product design guidelines issued by IRDA vide Insurance Regulatory and Development Authority (Non-Linked Insurance Products) Regulations, 2013 dated 16.02.2013.

3. The changes effected are only in respect of commissions given to brokers by the company and there is no change in the product name, benefit structure and product features of the modified product. The modified product's UIN No is 111N040V03.

4. Accordingly, the revised UIN No: 111N040V03 may be noted for the "SBI Life Sampurna Suraksha" Policy while processing application for exemptions under the EDLI Scheme 1976.

Yours faithfully,

(Chandramauli Chakraborty)

Regional Provident Fund Commissioner-I (Pension)

Copy to:-

- 1) RPFC (NDC) for loading on website.
- 2) DD (OL) for translation in Hindi.



कर्मचारी भविष्य निधि संगठन
(कर्म एवं रोजगार, मंत्रालय, भारत सरकार)
EMPLOYEES' PROVIDENT FUND ORGANISATION
(Ministry of Labour & Employment, Govt. of India)
मुख्य कार्यालय / Head Office
भविष्य निधि भवन, 14-भोकाजी कामा प्लेस, नई दिल्ली-110 066.
Bhavishya Nidhi Bhawan, 14, Bhikaji Cama Place, New Delhi - 110 066.

LC-2(908) 2014/KR/

Date:-01.04.2015

To

All Addl. Central P.F Commissioners
(Zone)

06 APR 2015

Sub:- Forwarding of Order dated 20.03.2015 of Supreme Court of India in the matter of WP No. 999/2014 filed by M/s Tasty Nut Industries Vs Union of India, CBT, CPFC and Ors-Regarding.

Sir,

The WP No. 999/2014 was filed by M/s Tasty Nut Industries, Kollam, Kerala Vs. UOI, CBT, CPFC and ors before Hon'ble Supreme Court of India, wherein the notification dated 07.11.2014 of Ministry of Labour and Employment, Govt. of India, notifying a bench of EPF Appellate Tribunal at Bangalore, was challenged.

2. Hon'ble Supreme Court of India vide its order dated 20.03.2015 has disposed of the writ filed by the petitioners observing that:-

".....It is conceded to by the learned Solicitor General that the appeals can be presented at Delhi till the Tribunal is constituted at Bangalore, we further clarify that till the Tribunal is constituted, the appeals that ought to have been filed at Bangalore and are filed in Delhi, no coercive steps shall be taken in respect of the cases, which are required to be preferred before the Southern Tribunal to be situated at Bangalore, for there is no authority who can take up the matter for grant of any Interim relief.

The writ petition is, accordingly, disposed of."

3. A copy of order dated 20.03.2015 of SC of India in the above mentioned case is enclosed. It is requested to direct Hon'ble concerned Regional offices, under your jurisdiction to comply to the order of Hon'ble Supreme Court of India.

Yours faithfully,

Enclosure:- As above

(Rajesh Bansal)

Addl. Central P. F. Commissioner(HQ)

WP(C) 999/14

1

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL WRIT JURISDICTION

WRIT PETITION (CIVIL) NO.999 OF 2014

M/s. Tasty Nut Industries

Appellant(s)

Versus

Union of India and Others

Respondent(s)

O R D E R

Heard Mr. Sanjay R. Hegde, learned counsel appearing for the writ petitioner and Mr. Ranjit Kumar, learned Solicitor General for Union of India.

This Court on 2nd February, 2015, in the aforesaid writ petition, had passed the following order:

"It is submitted by Mr. Hegde, learned counsel for the petitioner, that the Presiding Officer of the Appellant Tribunal under the Employees Provident Fund and Miscellaneous Provisions Act, 1952 at Delhi, after the notification dated 7.11.2014 issued by the Ministry of Labour and Employment, has passed orders till the date of his superannuation, i.e., 30.11.2014 in respect of cases which were to be transferred to Bangalore Bench from the date of publication of the notification, as is evincible from paragraph 4 of the notification and, therefore, the decisions rendered by him should be saved.

Mr. Hegde has also pointed out to this Court that though the notification has been issued on 7.11.2014, the tribunal has not yet

been established and the filing of the appeal has to be done within a span of 60 days. In the absence of the tribunal, the litigants are in a perplexed situation what to do about filing of their appeals.

Mr. Ranjit Kumar, learned Solicitor General shall obtain instructions on both the counts."

First, we shall advert to the second facet. It is submitted by Mr. Ranjit Kumar, learned Solicitor General, on instructions that as the Tribunal at Bangalore is being constituted, the litigants should be at liberty to file the appeals at Delhi till the cases are transferred to the Tribunal at Bangalore.

As far as the first aspect is concerned, learned Solicitor General would submit that the cases which were heard and judgement delivered, they may be saved.

Having heard learned counsel for the parties and regard being had to the peculiar facts and circumstances of the case, we are inclined to direct that the decisions rendered by the Tribunal at Delhi till 30th November, 2014, in respect of the cases which ought to have been transferred to the Tribunal at Bangalore, would be saved.

As far as the second aspect is concerned, as it is conceded to by the learned Solicitor General that the appeals can be presented at Delhi till the Tribunal is constituted at Bangalore, we further clarify that till the Tribunal is constituted, the appeals that ought to have been

WP(C) 999/14

3

filed at Bangalore and are filed in Delhi, no coercive steps shall be taken in respect of the cases which are required to be preferred before the Southern Tribunal to be situated at Bangalore, for there is no authority who can take up the matter for grant of any interim relief.

The writ petition is, accordingly, disposed of. No order as to costs.

.....J.
(Dipak Misra)

.....J.
(Prafulla C. Pant)

New Delhi;
March 20, 2015.

WP(C) 999/14

4

CORRECTED

ITEM NO.45

COURT NO.5

SECTION X

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition (Civil) No.999/2014

M/S TASTY NUT INDUSTRIES

Petitioner(s)

VERSUS

UNION OF INDIA AND ORS

Respondent(s)

(With appln. (s) for directions and office report)

Date : 20/03/2015 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DIPAK MISRA
HON'BLE MR. JUSTICE PRAFULLA C. PANT

For Petitioner(s) Mr. Sanjay R. Hegde, Adv.
Ms. Usha Nandini. V, AOR
Mr. Biju P. Raman, Adv.
Mr. M.S. Vishnu Sankar, Adv.
Mr. Nithin, Adv.
Mr. Abhilash R. Pillai, Adv.
Ms. Kamalika Bhattacharjee, Adv.

For Respondent(s) Mr. Ranjit Kumar, SG
Ms. Binu Tamta, Adv.
Mr. Rana Mukherjee, Adv.
Mr. S.N. Terdal, Adv.

Ms. Aparna Bhat, AOR
Ms. Tanima Kishore, Adv.

UPON hearing the counsel the Court made the following
O R D E R

The writ petition is disposed of in terms of the
signed order.

(Chetan Kumar)
Court Master

(H.S. Parashar)
Court Master

(Signed order is placed on the file)

FOR WEB CIRCULATION ONLY



कर्मचारी भविष्य निधि संगठन
Employees' Provident Fund Organisation

(श्रम एवं रोजगार मंत्रालय, भारत सरकार)
(Ministry of Labour & Employment, Govt. Of India)
मुख्यालय / Head Office

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Bhavishya Nidhi Bhawan, 14-Bhikaji Cama Place, New Delhi-110066
www.epfindia.gov.in www.epfindia.nic.in

No: Manual/Amendment/2011

Date 2 JAN 2015

To

All Regional P.F. Commissioners
In-charge of Regional/Sub Regional Offices.

Sub: Introduction of Declaration Form [Form No. 11 (New)] to replace existing Form No. 11 (Revised)

Sir/Madam,

In exercise of powers conferred on the Central Provident Fund Commissioner under para 36(7) read alongwith the provisions of paras 34 and 57 of EPF Scheme 1952 and para 24 of Employees' Pension Scheme, 1995, has ordered the replacement of erstwhile Form No. 11(Revised) with the Declaration Form [Form No. 11 (New)] placed at Annexure-I.

2. The Declaration Form [Form No. 11(New)] will also replace Form No. 13 in all such cases where existing member of the Provident Fund makes a request for transfer of his fund availing the facility of UAN.

3. The members who have been allotted UAN and where KYC details have been digitally verified by the previous employer, are not required to fill separate Form No.-13. Rest of the employees will continue to fill Form-13 alongwith Form No. 11 (New).

4. The employees/employers can access fillable Declaration Form [Form No. 11 (New)] on the member portal which will be pre-filled with all the relevant information already in our database.

Yours faithfully,

(Sanjay Kumar)
FA&CAO

Copy to:

- 1) CPFC
- 2) CVO
- 3) All ACCs, HQ
- 4) All ACC (Zones)
- 5) Director (NATRSS)
- 6) RPFC-I (IS) w.r.t. their UO note No. R-I/P-20/UAN/2014/343 dt. 18.11.2014
- 7) Director (Audit)/DD (Audit)/AD (Audit)/Zonal Audit Parties
- 8) RPFC (NDC) for web upload.

(Sanjay Kumar)
RPFC-I (F&A)



कर्मचारी भविष्य निधि संगठन
Employees' Provident Fund Organisation

(श्रम एवं रोजगार मंत्रालय, भारत सरकार)
(Ministry of Labour & Employment, Govt. Of India)
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Bhavishya Nidhi Bhawan, 14-Bhikaiji Cama Place, New Delhi-110066
www.epfindia.gov.in www.epfindia.nic.in

No: Manual/Amendment/2011

Date: 02.01.2015

ORDER

In the matter of Introduction of Declaration Form [Form No. 11 (New)] to replace existing Form No. 11 (Revised)

1. Employees' Provident Fund Organisation has now embarked upon its next phase of e-governance reforms with a view to make its services available to its stakeholders in an efficient, transparent and reliable manner and at low costs. EPFO has been implementing allotment of Universal Account Numbers (UAN) to its subscribers. The Online Transfer Claim Portal (OTCP) has also been made functional.
2. In exercise of powers conferred under para 36(7) of the Employees' Provident Funds Scheme, 1952, read with paras 34 and 57 of Employees' Provident Funds Scheme, 1952 and para 24 of Employees' Pension Scheme, 1995, the introduction of Declaration Form [Form No. 11 (New)] in place of existing Form No. 11 (Revised) is ordered with immediate effect.
3. The Declaration Form [Form No. 11 (New)] will also replace Form No. 13 in all such cases where existing member of the Provident Fund makes a request for transfer of his fund availing the facility of UAN.


(K.K. Jalan)

Encl: Declaration Form
[Form No. 11 (New)]

Central Provident Fund Commissioner



ESIC
Chinta Se Mukti

Online Payment of ESI Contribution Made Easier

Presently, the facility of payment of ESI Contribution is through payment gateway of State Bank of India or payment over the counter by cheque or DD alongwith computer generated challan to designated branches of State Bank of India.

Now, facility for payment of ESI contribution is available through net banking of State Bank of India (SBI) and 58 major banks w.e.f. 1st April, 2015. The employers will be able to remit contribution either through net banking or over the counter of SBI Branches.

From 1st May, 2015 onwards, only electronic payment will be accepted in ESIC through online net banking of SBI and 58 major banks.



For more details, contact the nearest ESIC Office or log on to website : www.esic.nic.in, www.esic.in or call Toll Free No. 1800 11 2526



श्रम एवं रोजगार मंत्रालय
Ministry of Labour & Employment
भारत सरकार (Government of India)



कर्मचारी राज्य बीमा निगम
Employees' State Insurance Corporation
Panchdeep Bhawan, CIG Marg, New Delhi-110 002

Meanwhile, back in the interview...



I appreciate your achievements are probably considerable, but writing "Google me" is not an alternative to a CV.



CASE LAW

Non-issue of mandatory notice for effecting retrenchment, in the prescribed form to the specified authorities of the state Government, is violation of section 25F of the Industrial Disputes Act, 1947, attracting reinstatement with back-wages. Non-compliance of section 25FFA of the Industrial Disputes Act, 1947, would attract the closure to be invalid resulting into Award of reinstatement with back wages in favour of the workmen.

SUPREME COURT OF INDIA – Mackinon Mackenzie & Company Ltd., Vs. Mackinon Employees' Union 2015 – II – LL J – 151 (SC)

The Court has no hesitation to reject the submission made by the learned counsel for the respondent that the writ petitions are not maintainable against a private establishment, particularly, taking note of the fact that public duty is cast on the employer to declare holiday with wage on the poll day for the smooth conduct of the elections. It is not only violation of statutory right, but, the said right flows from the Constitution of India as well and therefore, employer cannot and shall not choose to deny paid holiday to its employees, as mandated under Section 135-B of the Act.

HIGH COURT OF MADRAS – Raptakos Brett and Company Ltd., Chennai Vs. Raptakos Brett Employees' Union – 2015 – II – LL J – 62 (Madras)

Limitation Act not applicable for filing appeal under the Payment of Gratuity Act.

DELHI HIGH COURT – Krishnan Kumar Kashyap Vs. Appellate Authority under Payment of Gratuity Act -2015 – II – LL J – 68 (Delhi)

A Contractor can deposit the amount of EPF contributions in respect of its employees in the absence of his own code number through the code number of the concerned principal employer. Absence of code number due to non-granting the same by the EPF Authorities due to any reason, is not a valid ground for justifying non-payment of EPF contribution.

GUJARAT HIGH COURT – Durga Engineering Company Vs. Regional Provident Fund Commissioner -2015 – LLR - 390

The respondent workmen were appointed by the ITI Limited in a project, which had come to an end and, thus, the services of the respondents were dispensed with after giving them the balance, Gratuity, Leave encashment, and one month's notice pay. Relief of reinstatement and continuance in service by way of regularization was not admissible to the respondents. They were appointed on a project and their services were dispensed with on completion of project. There was no work in the project available nor there do any post on which the respondent-workmen could be directed to be adjusted or seconded by the appellant – ITI. They had no right to claim continuance in service after their services were dispensed-with and their entire dues, including notice pay, were paid to them.

RAJASTHAN HIGH COURT – ITI Limited Vs. Sultana Ram and Another – 2015 – II – LL J – 25 (Raj)

COMPLIANCE CHECK LIST**List of Registers to be Maintained Under Various Labour Laws**

Sl.No.	Act	Frequency	Principle Employer ---->
1	S & E Act	MONTHLY	Register of advance , Deduction, Damages and Loss fine - Form – P
2	S & E Act	MONTHLY	Register of Employment for Shop and Establishment Form – Q
3	S & E Act	MONTHLY	Register of Wages - Form – R
4	S & E Act	MONTHLY	Notice of Daily Hours of Work, Rest Interval Weekly Holiday Form – S
5	S & E Act	MONTHLY	Wages slip/Leave card Return - Form – T
6	LWF	MONTHLY	Labour Welfare Fund register - Form – B
7	Min Wages	MONTHLY	Register of Fines– Form -1
8	Min Wages	MONTHLY	Deduction and Damages- Form - II
9	Min Wages	MONTHLY	Overtime register- Form - IV
10	S&E Act	MONTHLY	Whether minimum leave entitled / availed as per Shops & Establishment Rules
11	S.A.ACT	MONTHLY	Maintenance of Registers - Form - 1
12	P.S.ACT	MONTHLY	Maintenance of Registers - Form - 1
13	M.B.ACT	MONTHLY	Maintenance of Registers - Form - A
14	M.B.ACT	MONTHLY	Whether any maternity Benefit and maternity Bonus paid to the eligible women employee for the month
15	E.R.ACT	MONTHLY	Maintenance of Registers - Form - D
16	N.F.H.ACT	ONGOING	Maintenance of Registers - Form - VI
17	P.W. ACT	MONTHLY	Register of Fines - Form I
18	P.W. ACT	MONTHLY	Deduction and Damages - Form II
19	P.W. ACT	MONTHLY	Register of Advances - Form III
20	P.W. ACT	MONTHLY	Notice of Rate of Wages- Form - VI
21	EPF ACT	MONTHLY	EPF Challan on or before 15 th of Succeeding Month
22	ESI ACT	MONTHLY	ESI Challan on or before 21 st of Succeeding Month

NOTICE BOARD DISPLAY COPY

23	MA.NO.BO	ONGOING	Abstract of the Maternity Benefit Act - FORM J
24	S & E Act	ONGOING	Notice of Daily Hours of Work, Rest Interval Weekly Holiday - FORM S
25	GRA. NO. BO	ONGOING	Abstract of the Gratuity Act - FORM U
26	P.W.NO.BO	ONGOING	Abstract of the Payment of Wages Act - FORM V
27	M.W. NO.BO	ONGOING	Abstract of the Minimum Wages Act - FORM X
28	N.F.H.ACT	ONGOING	Display of list of Holidays under National and Festival Holiday Act - FORM V
29	P.W. ACT	ONGOING	Notice of Rate of Wages under Payment of Wages Act Form – VI
30	CL NO.BO	ONGOING	Abstract of the Contract Labour Act - Rule 79
31	GRA.ACT	ONGOING	Display of Notice - Authorized by the employer to receive Notice - Rule - 4
32	Min Wages	ONGOING	Inspectors Details- under the payment of minimum wages Act - Rule 22(10)
33	N.F.H.ACT	ONGOING	Proceeding number received from Labour department- under the National and Festival Holidays Act - FORM III
34	Min Wages	ONGOING	Notices required to be displayed at work site, under Minimum Wages Act, showing rates of wages, hours of work, wage periods, date of payment of unpaid wages, Name and addresses of inspector in English and in a local language - Rule 10 of Annexure - A
35	S & E Act	ONGOING	Displayed in Entrance of Company - COMPANY NAME BOARD IN TAMIL & ENGLISH

Employment Exchange Return [Due Date – 30th Apr 2015]

S.No	Act	Frequency	Principle Employer
1	LWF	Quarterly	Register of fines and unpaid accumulation - Form C
2	E E Act	Quarterly	To be Submitted to Local Employment Exchange Form ER - 1