

### 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.

AUGUST - 2015

newsletter

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- ✂ Changing Scenario
- ✂ Government Proposals
- ✂ Amendments & Notifications
- ✂ Case Laws
- ✂ Statutory Compliance Check-List

### HAVING OUR ASSOCIATE SUPPORT OFFICE AT

#### Editor - In Chief

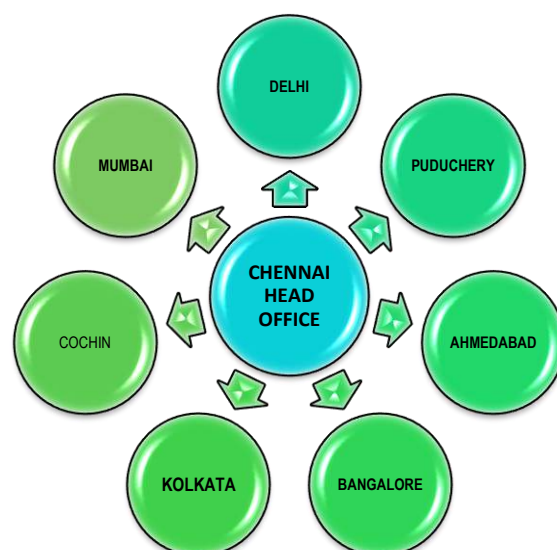
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## Letter to the EDITOR

### EAST INDIA COMPANY & INDIAN COMPANIES IN EVERY PART OF THE GLOBLE

It is a true pride to every fellow countryman and all the practicing managers associated with the corporate of our country. A young India, with a large ambitious, dedicated team of professionals under handful of visionary leaders transformed the colour of Indian Corporate – with Global Marks and making the Tri colour flag to fly high.

The Business Houses journey in our country can be related blindly ahead of time may be from the period Indus Valley civilization. It is an unbelievable fact that Indian enterprises had moved from the “Slave Market & Bonded Labour System” to the state of “Skill India & Digital Trade”. There are many Indian Companies are becoming boundary less Corporate and most of the Business Managers are becoming Head of Global Corporate ..... All that is the evidences of our Freedom at the right & true spirit.

Be it a motorcycle cable manufacturing company or an hybrid seed company or a cotton ginning company at the steep of south or a Vaccine Company at the hills of Himalayas, the Indian Corporate illustrate the unity in learning and aggressively aiming for global growth

We the members of practicing managerial community should continue to make momentum through collective learning on the best practices and customizing to our companies with its own flavor of culture to energize the entrepreneurs with different ideas and transform as their executable visions.

Every company has witnessed and undergone a phenomenal change to reach the stage of what it is today and most of our fellow managers have been making undisputed contributions in every stage of metamorphosis of the company.

We at **V & M Associates** salute the young dynamic corporate with a great respect to the Architects and every manager involved in the execution. We at **V & M Associates** have a dedicated professional who can be the enabler for the Managers who see the glass as “half full” rather than “half empty”

Be it the call from the first Independence day speech of our P M – the “Tryst with Destiny” to awake to life & freedom and pledge for sustainability or the most recent call of our Honorable P M in this year Independence day Speech – “Stand up India for Startup India”.

We at **V & M Associates** strongly believes that the best breed of our Managers will make all the dreams come true as mark of great respectable Honor to our beloved highly affectionate APJ. Kalam sir for his soul rest in peace and to witness the power of India.

**Editor in Chief**



# Latest news



## Bonus salary limit to be raised

Several lakhs of workers in the organized sector will benefit as the Central government is set to raise the salary threshold for mandatory bonus for workers from Rs.10, 000 a month at present to Rs.15, 000 and the minimum bounty from an annual Rs.3, 500 now to Rs.4, 500. The proposal, agreed to by employers' associations at a recent meeting of an inter-ministerial group, would require Parliament's approval as the Payments of Bonus Act, 1965, requires to be amended for this purpose.

While the minimum bonus is a legal liability on the firms concerned, whether or not they make profits, these firms are also required to pay the workers a higher bonus if their 'allocable surplus' exceed the amount payable as minimum bonus, subject to a cap (20%) of the salaries. If the new proposal takes effect, the maximum bonus payable by profit-making ventures would be close to Rs.11, 000 as against Rs.8, 400 now.

The salary ceiling for mandatory bonus eligibility was last fixed in 2007 and made effective retrospectively from April 1, 2006. Under section 10 of Payments of Bonus Act, 'every employer (as defined in the Act) shall be bound to pay to every employee in respect of every accounting year, a minimum bonus which shall be 8.33% of the salary or wage earned by the employee during the accounting year'. All factories and establishments employing 20 or more persons are expected to pay the bonus compulsorily, provided the worker has worked in the establishment for at least 30 days.

(Rs.) Maximum Salary/wage for Bonus eligibility	Minimum bonus	annual
<b>1965-1984</b>	1,600	750
<b>1985-1994</b>	2,500	1,600
<b>1995-2006</b>	3,500	2,500
<b>2007 to now</b>	10,000	3,500
<b>From 2015*</b>	15,000	4,500
<b>*Proposed</b>		

**Contract workers may get regular wages:**

The Labour Ministry is re-examining its proposal to bring wages of contract workers on a par with those of regular workers, evoking strong reactions from Trade Unions that allege that the government is back pedaling under pressure from corporate.

Contract workers account for 55% of public sector jobs and 45% of all private sector jobs in the country and raising their salary to the levels of regular workers would lead to significant cost escalation for employers.

An estimate suggests that bringing contract workers wages and benefits on a par with regular workers would cost the central government alone more than Rs.10,000 crore every year because of the sheer number of contract workers on the rolls of public sector companies.

**Trade unions to press Labour Ministry to drop hire-fire clause:**

The Trade Unions have decided to strongly oppose the new proposals in the Industrial relations bills, which makes firing of employees easier and forming of unions difficult.

Labour Ministry held a meeting with Trade Unions' representatives and employers in the capital on the draft Labour code on Industrial Relations Bill, 2015.

The bill proposes to combine Industrial Disputes Act, 1947, Trade Unions Act, 1926, and Industrial Employment (Standing Orders) Act 1946. Central Trade Unions, including the BJP-backed Bhartiya Mazdoor Sangh (BMS) said they will strongly oppose the proposals, saying that they deprive workers of their basic rights.

**Minimum wage raised to Rs.160 a day:**

The centre has increased the minimum wage across the country, for workers, to Rs.160 a day, up from the current Rs.137. It will be applicable from July 1, 2015.

Labour Minister Bandaru Dattatreya said the decision to revise the National Floor Level Minimum Wage (NFLMW) was taken in view of the increase in retail inflation for industrial workers.

**Changes in Labour Laws mainly to benefit worker: Dattatreya:**

The proposed changes in the Labour Laws by the Centre will make them contemporary and promote ease of running enterprises while enhancing retrenchment benefits to workers in case of a lockout, Union Minister Bandaru Dattatreya said today (Wednesday, 09 July, 2015).

"Many Acts were made 50 or 60 years ago. The Trade Unions Act was made in 1926. It needs to be changed. Change means the Acts have to be simplified. Enforcement (of laws) is important. We are trying to bring in changes to remove duplication and cumbersome processes', the MoS for Labour (Independent charge) told PTI in Delhi in an interview.

Changes in laws are important to create jobs, facilitate investments and to make the NDA government's flagship programmes 'Make in India' and 'Skill India' a success, he said in contaminated.



## CHANGING SCENARIO - GOVERNMENT PROPOSALS

FIRMS WITH 300 WORKERS CAN  
RETRENCH AGAINST 100 ON

COMPENSATION PACKAGE FOR  
RETRENCHED WORKERS INCREASE  
TO 45 DAYS FOR EVERY  
COMPLETED YEAR

WORKERS CAN RAISE OBJECTION  
TO RETRENCHMENT WITHIN 3  
YEARS

FINE FOR ILLEGAL STRIKE  
INCREASED UPTO RS.50,000/-  
FROM RS.50 AT PRESENT

NO OUTSIDERS TO BE OFFICE  
BEARERS OF TRADE UNIONS –  
ONLY TWO OUTSIDERS ALLOWED

TRADE UNION DEEMED  
REGISTERED IF APPLICATION NOT  
PROCESSED WITHIN TWO MONTHS  
BY GOVERNMENT

WORKERS WILL HAVE TO GIVE 2  
SIX WEEKS' NOTICE TO EMPLOYER  
BEFORE CALLING FOR A STRIKE

MANDATORY RECOGNITION OF  
TRADE UNIONS FOR DEALING WITH  
EMPLOYERS

SETTING UP A TRIPARTITE  
ADJUDICATION BOARD

LABOUR COURT, BOARD OF  
ARBITRATION AND TRIBUNAL  
COURT WON'T EXIST; ONLY  
INDUSTRIAL TRIBUNAL TO  
CONTINUE

GO-SLOW, GHERAO, SQUATTING  
OR DEMONSTRATION AT  
EMPLOYER'S HOUSE ILLEGAL  
DURING CONCILIATION

M W PROPOSED AMENDMENT  
COMMON UNIFORM WAGE  
STRUCTURE ACROSS ALL  
OCCUPATIONS  
MANDATORY FOR PAYMENTS TO  
BE DONE THROUGH



“What if we don’t change at all ...  
and something magical just happens?”

## EPF UPDATES

Members please note that according to latest amendment to income tax laws, PF withdrawals before five years of continuous service will attract TDS (tax deducted at source) of 10 per cent. If PAN is not quoted to respective provident fund authorities when seeking withdrawal, the entire amount will attract maximum marginal Rate of approx. 35%.

What are the benefits under the provisions of EPS'95, to the members and their families?

**Benefits under EPS'95 are listed as below:**

- ✎ Member Pension upon retirement /superannuation.
- ✎ Member Pension upon disablement while in service.
- ✎ Withdrawal Benefit upon leaving service after putting in less than 10 years but more than six months of service.
- ✎ Spouse Pension upon death of member.
- ✎ Spouse Pension upon death of member as pensioner.
- ✎ Children Pension along with spouse pension (up to age 25) for two children at a time.
- ✎ Orphan Pension upon death or remarriage of spouse (up to age 25).
- ✎ Disabled Child Pension to children/orphan (life-long).
- ✎ Nominee Pension to the Nominee when no family exists.
- ✎ Dependent Parent Pension when no family and nominee exist.

1. EPFO has adopted a new form and structure of Grievance Redressal mechanism named "PF Near You" or "Nidhi Aapke Nikat" to reflect the changed ground realities regarding service delivery standards, in place of Bhavishya Nidhi Adalats. (For details please visit circulars section of [www.epfindia.com](http://www.epfindia.com) at serial No.148)
2. Central Government has given a revised the investment pattern for the funds managed by Exempted Establishments. (For details please visit circulars section of [www.epfindia.com](http://www.epfindia.com) at serial No.150, 152&208).
3. It has been decided that NACO and their societies does not full fill the criteria laid under GoI notification dated 14/05/2010 and accordingly are not excluded from the operation of the EPF & MP Act. (For details please visit circulars section of [www.epfindia.com](http://www.epfindia.com) at serial No.157)
4. In Para 9 of EPS'95 regarding Determination of Eligible Service, the words, actual service has been substituted with contributory service. For details please visit circulars section of [www.epfindia.com](http://www.epfindia.com) at serial No.162)
5. Administrative charges to be paid by employers have been reduced from 1.10% to 0.85% with effect from 1st January, 2015. Excess amount of administrative charges deposited is to be adjusted by the employers while remitting the administrative charges of following/current month. (For details please visit circulars section of [www.epfindia.com](http://www.epfindia.com) at serial No.163 & 164)
6. Central Government has made it mandatory for employers to pay their statutory dues under the Act through Internet Banking. (For details please visit circulars section of [www.epfindia.com](http://www.epfindia.com) at serial No.176)
7. Central Government has made it mandatory for members to fill up their Form 11, at the time of joining and seed the KYC details in EPFO be-fore seeking any services from EPFO. (For details please visit circulars section of [www.epfindia.com](http://www.epfindia.com) at serial No.180)

## UAN-Universal Account Number



### **PF WITHDRAWALS MAY BE CAPPED AT 75%:**

The Government is looking to cap premature provident fund withdrawals at 75% for EPFO subscribers at any given time till the age of 58. Under the existing provisions, Employees Provident Fund Organisation subscribers can withdraw the entire amount by showing not employed anywhere for two months. The proposal regarding changes in the “The Employees’ Provident Fund Scheme” has been sent to the Labour Ministry for approval. The Idea behind the proposal is to ensure that Provident Fund is used as an old-age security and not misused for purposes other than it was meant to be. (K.K.Jalan) – Central Provident Fund Commissioner said the proposed changes are likely to be notified in the next 15 days, as it has got the backing of employees unions.

### **FOREIGN EMPLOYEES TO GET PF MONEY IN THEIR OWN COUNTRIES:**

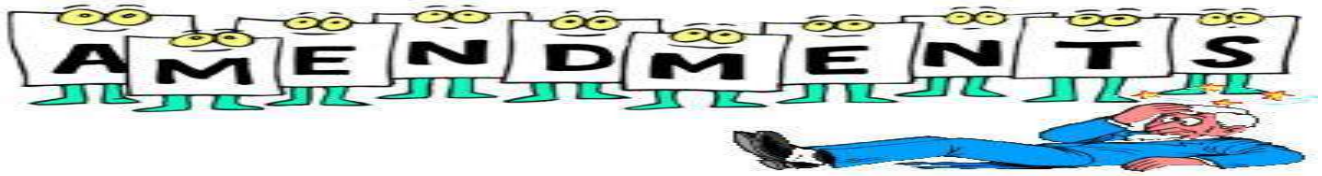
The Employees’ Provident Fund Organisation has started a new facility to transfer provident funds of foreign employees to bank accounts in their own countries. The facility will help international workers to avoid opening of bank accounts in India for settling their PF claims with EPFO, a senior official told PTI.

### **EPFO PLANS TO INVEST IN STOCK MARKETS:**

EPFO will invest a part of its corpus in exchange traded funds issued by SBI Mutual Fund. This decision was taken at a meeting of the finance, investment and audit committee of the EPFO last week. EPFO also decided that 75% of its investment in equity would flow into Nifty companies and 25% into Sensex companies







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कर्मचारी भविष्य निधि संगठन  
(मन मंत्रालय भारत सरकार)  
**Employees' Provident Fund Organisation**  
(Ministry of Labour, Govt. Of India)  
मुख्य कार्यालय / Head Office

**WEB CIRCULATION ONLY**

भविष्य निधि भवन, 14-भीकाजी कामाखेला, नई दिल्ली-110066  
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[www.epfindia.gov.in](http://www.epfindia.gov.in); [www.epfindia.nic.in](http://www.epfindia.nic.in)

No. Coord./3(1)2014/Amend.Scheme

Date: 13.07.2015

To

**13 JUL 2015**

All Addl. C.P.F.Cs (Zones),  
All Regional P.F. Commissioners,  
In-charge of Regions/ SRO.

**Subject: Amendment in statutory claim settlement period to 20 days in all three schemes - Regarding.**

Sir,

The Government of India brought out amendments to Para 72(7) of the Employees' Provident Fund Scheme, 1952, Para 17-A of the Employees' Pension Scheme, 1995 and Para 24 (4) of the Employees' Deposit-Linked Insurance Scheme, 1976 and thereby reduced the periodicity of settlement of PF, Pension and Insurance claims from existing 30 days to 20 days.

2. The notifications to that effect have been sent to Government Press by Government of India for Publication.

3. You are therefore requested to bring it to the notice of both employers and members of the fund. On receipt of the Gazette Notification, the same will be circulated.

Yours faithfully,

Encl: As above.

*(P.K. Udgata)*  
Addl. Central PF Commissioner-I (Compliance)

Copy to:

1. CVO.
2. FA & CAO
3. All Addl. CPFCs (HO).
4. Director, NATRSS.
5. All RPFCs of the Head Office.
6. All Zonal Training Institutes.
7. All Zonal Vigilance Directorates.
8. All Zonal Audit Parties.
9. All APFC/SO, Head Office.
10. RPFC, NDC for web upload.
11. P.S. to CPFC.

*(Dr. Shiv Kumar)*  
Regional PF Commissioner -II (Coordination)





कर्मचारी भविष्य निधि संगठन  
(श्रम एवं रोजगार मंत्रालय, भारत सरकार)

**Employees' Provident Fund Organisation**  
(Ministry of Labour & Employment, Govt. Of India)

मुख्य कार्यालय/Head Office

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Website: [www.epfindia.gov.in](http://www.epfindia.gov.in), [www.epfindia.nic.in](http://www.epfindia.nic.in)

No. HRM-8/Min. Wages/Labour Laws/Security Agency/2011

Dated:-18.08.2015

To,

10/63

19 AUG 2015

All Addl. Central P F Commissioner (Zones),  
Director (NATRSS),  
All RPFCs-In- Charge of the Region/ZTI, RPFC-I (ASD),  
All Officers-In-Charge of SROs

**Sub: - Allotment of Universal Account Number (UAN) to the worker's engaged through outside agencies - regarding.**

**Ref: - Letter No. R-I/C-DAC/2014, dated 21.07.2014**

Please refer to this office letter No. HRM-8/Min. Wages/Labour Laws/Security Agency/2011/14567 dated 04.09.2014 on the above subject

Sir,

In reference to above subject, information had been called vide letter dated 21.07.2014 but only few regions/field offices had furnished the information. All the offices are once again requested to submit the latest information in this regard through their Zonal offices by 31.08.2015.

Yours faithfully,

(AMIT SINGLA)

REGIONAL P.F.COMMISSIONER-II (HRM-8)

ई-मेल/E-mail :

दूरभास/Telephone : 011-26172672

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कर्मचारी भविष्य निधि संगठन  
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(Ministry of Labour, Govt. Of India)

Through Web Circulation

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No.Coord/40(24)2010/DPG Review Meeting

. Dated: 22.06.2015

To

All Regional PF Commissioners  
In- charge of the Regions/SROs

Subject : Submission of Form 11(New) and Seeding KYC(Know Your Customer) details in UAN (Universal Account Number) Portal - regarding.

Sir/Madam,

Central Government in exercise of power conferred under section 78(1) of the Employees' Provident Funds Scheme, 1952 directed Employees Provident Fund Organisation to issue order to get the declaration forms in Form-11 (New) duly filled by the members at the time of joining and seed the KYC details in the UAN portal of EPFO before seeking any services from Employees Provident Fund Organisation .

2. Accordingly, the Central P.F.Commissioner in exercise of powers conferred under Para 78(3) of Employees' Provident Funds Scheme 1952, issued order making submission of above information of members compulsory. The said order is enclosed herewith.

3. You are requested to bring it to the notice of the employers of the establishments covered under your jurisdiction.

Enclosure: As above.

Yours faithfully,

(P.K. Udgata)

Additional Central P.F.Commissioner- I(Compliance)

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No. Coord./40(24)2010/DPG/Review Meeting/

Date: 22.06.2015

*11.3.57*  
**ORDER**

**22 JUN 2015**

In the matter of : Issue of direction under Para 78(3) of the Employees' Provident Funds Scheme, 1952 for efficient administration of the Scheme.

In view of the directions issued by the Central Government (the Ministry of Labour & Employment, Govt. of India) under Para 78(1) of the Employees' Provident Funds Scheme, 1952, i, K.K.Jalan, Central Provident Fund Commissioner, hereby issue the following directives in exercise of powers delegated under Para 78(3) of the said Scheme :

- Employer of the establishment covered under the Act is directed to get the declaration in Form No. 11(New) from all the employees joining the establishment in a month and eligible to become member of the Fund and upload the same in Universal Account Number (UAN) Portal within 25 days of close of each month.
- Employer of the establishment covered under the Act is directed to disseminate the UAN generated by EPFO to all his existing employees who are members of the Fund within 15 days from the receipt of UAN and get acknowledgement from them.
- Employer of the establishment covered under the Act is directed to get the UAN activated by his employees who are members of the Fund within 15 days of such dissemination.
- Employer of the establishment covered under the Act is directed to duly send the KYC details of such members (such as bank account details, PAN, AADHAAR etc.) within one month of the receipt of UAN so as to enable them to avail the services from EPFO.
- Employer of the establishment covered under the Act is directed to send AADHAAR Numbers in respect of the members who have got AADHAAR within one month of receipt of UAN. Wherever the members do not have AADHAAR, the employer is directed to obtain a certificate from such members of the Fund to the effect that they have no AADHAAR within one month of receipt of UAN. As soon as the AADHAAR is submitted by any member, the employer is directed to upload the same on the UAN Portal within 15 days of receipt.
- Employer of the establishment covered under the Act is directed to ensure incorporation of UAN and to send all relevant information in the claim form before forwarding the same to EPFO.

2. Employer of the establishment is directed to carry out the above instructions as per the schedule prescribed above. Failure to adhere to the directions beyond wage month of September, 2015 will amount to non-compliance to the directions and the defaulting establishment shall be liable for action as per the Employees' Provident Funds & Miscellaneous Provisions Act, 1952 and the Schemes framed thereunder.

*K.K. Jalan*

(K.K. Jalan)

Central Provident Fund Commissioner





**Employees' Provident Fund Organisation**

(श्रम एवं रोजगार मंत्रालय, भारत सरकार)

(Ministry of Labour & Employment, Govt. Of India)

मुख्य कार्यालय / Head Office

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Telephone: 011-26196239 Fax: 011-26173022

No. WSU/Claim Form/Revenue Stamp

Date: 18.08.2015

To

All ACC (Zones),  
All Regional PF Commissioners-Incharge,  
Regional Offices/Sub Regional Offices.

18 AUG 2015

**Sub: Dispensing with the procedure of affixing of Re 1/- Revenue Stamp on claim forms in case of payments through NEFT.**

Sir/Madam,

Please refer to the above said subject.

2. At present, Re 1/- revenue stamp has to be affixed on claim forms by members for settlement of claims. The issue of continued practice of affixing of Re 1/- Revenue Stamp on claim forms has been examined in consultation with the Ministry of Law & Justice. It has been advised that while making payments through National Electronic Funds Transfer (NEFT), no revenue stamp would be required to be affixed on submission of claim forms by the members.

3. Therefore, the practice of affixing revenue stamp on claim forms is discontinued with immediate effect, in case the claim amount is to be paid through NEFT.

4. RPFCs are requested to issue press release (no advertisements) and send Email/SMS to the employers on the step being taken to simplify settlement of claims. The existing stationery may be suitably stamped.

Yours faithfully,

  
(Sanjay Kumar)  
FA&CAO





HEAD-QUARTERS OFFICE  
EMPLOYEES' STATE INSURANCE CORPORATION  
PANCHDEEP BHAWAN: C.I.G MARG: NEW DELHI  
(ISO 9001:2008 CERTIFIED)  
Email: [pk7.narula.esic.in](mailto:pk7.narula.esic.in)

**MOST URGENT**

No. D-12/16/1/12-E-VI

Dated:- 09.06.2015

To

IC (NTA), All Regional Directors/ Directors/ID(I/c), RO/SRO  
D(M)D/ D(M) Noida/ SSMC/ M.S. of ESIC Model Hospitals/ ODCs/Dean, Medical Educational  
Institutions. Joint Director - V, Hqrs. Office.

Sub: One time opportunity for enrolment under *ESIC Pensioners Medical Scheme*.

Ref: Hqrs. office clarifications of even No. dated 13/1/06, 7/6/06, 15/12/06, 1/3/07, 7/1/08,  
27/6/08, 25/8/08, 25/3/09, 1/7/09, 7/1/10, 26/8/10, 1/11/2010, 7/4/2011, 24/05/2011 and  
11/10/2012.

Sir,

I am directed to invite your attention to the references cited above and to state that the ESIC – Pensioners Medical Scheme came into force w.e.f. 01.04.2006 for which the last date for enrollment under the ESIC-PMS-2006 was upto 30.06.2011. As per scheme, pensioner is required to apply within 6 months from the date of retirement if he/she wants to become member of the ESIC-PMS.

Representations from the pensioners through RD/MS and All India Pensioners Federation have been received at Hqrs. office requesting therein to allow them to join ESIC-PMS as they could not join earlier, due to certain reasons.

Considering the requests on humanitarian grounds, the Director General, in exercise of his power under Rule 10 of ESIC-PMS has allowed those pensioners who could not enroll under the scheme, one more opportunity for enrollment w.e.f. 10.06.2015 to 31.08.2015. All the instructions issued earlier may be followed strictly.

It is requested to upload the same on your website and give wide publicity mentioning the period of the opportunity extended for enrolment.

This issues with the approval of Director General.

Hindi version will follow.

Yours faithfully,

  
(P.K. NARULA)



Headquarters Office  
**Employees' State Insurance Corporation**  
(ISO 9001-2008 certified)  
Panchdeep Bhawan, CIG Road, New Delhi-110002

No.E-13/12/09/2015-PR

Dated: 17<sup>th</sup> July, 2015

**Press Release**

**Covering all the Construction Workers under ESI Scheme**

ESIC is now going to cover the Construction site Workers under the ESI Scheme thereby enabling them to avail benefits of complete medical care (from primary to tertiary medical care), as well as a range of cash benefits in times of exigencies of employment injury, death, disablement, maternity and unemployment. The construction workers are considered to be part of un-organized sector, but keeping in view the fact that they are highly prone to accidents and sickness etc., the Central Government has decided to go ahead for extending the coverage of ESIC's social security to them.

Construction activity has been covered by the ESIC under Sec. 1(5) treating them as commercial establishment. The coverage under ESIC to a construction unit will be extended u/s 2(12) also, if in any part of the construction unit, manufacturing process, as defined under Factory Act, is carried on.

Now, the ESI Corporation is going ahead with coverage of construction workers. It may also be noted that the State Govts. of Delhi and Karnataka have earlier requested ESIC for extending its coverage to construction site workers.

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# New Case Law

Employees' Insurance Court constituted under section 74 of the ESI Act, 1948, has no jurisdiction to take up the question of grant of exemption. Employees' Insurance Court is a tribunal specially constituted for the purpose of deciding any controversy that may arise on the matters enumerated in section 75 of the ESI, Act.

***Supreme Court of India – Zuari Cement Ltd Vs. R.D., ESIC., Hyderabad & Ors.. 2015 – LLR – 895***

When the termination of services of the workman is held to be in violation of sections 25F, 25G & 25H of the Industrial Disputes Act, 1947, the workman is entitled to the relief of reinstatement with back wages. Award of back-wages will be on the basis of several factors including length of service, financial position of the employer, unemployment of the workman after termination of his services, etc.,

***Supreme Court of India – Gauri Shanker Vs. State of Rajasthan – 2015 – LLR – 785***

Termination of services of an employee without conducting proper enquiry is illegal, attracting reinstatement with back-wages and consequential benefits. Termination of services of an employee due to his failure to complete the target, as agreed by him as per his employment contract, without conducting enquiry is illegal.

***Supreme Court of India – K.S.Ravindran Vs. New India Assurance Co., Ltd., - 2015 – LLR – 790***

240 days service in the 5<sup>th</sup> year will be treated 5 years for Gratuity

***Kerala High Court – Sreeja Vs.Regional Joint Labour Commissioner – 2015 – LLR 826***



The provisions of EPF Act, 1952, includes every person including apprentices or trainees within the purview of definition to the expression 'employees' except those engaged under the Apprentices Act, 1961.

***Madras High Court – Bharat Sanchar Nigam Limited Vs. Union of India and Others – 2015 LLR 893***

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Onus to prove that workman had served the Management for 240 days or more in 12 calendar months preceding the date of his termination is upon the workman. When a workman fails to prove that he has worked continuously with the Management for 240 days or more in 12 calendar months preceding the date of his termination, the termination of his services would not attract provisions of sections 25F and 25G of the ID Act, 1947

***Punjab & Haryana High Court – Subhash Kumar Vs. Presiding Officer, Industrial Tribunal – 2015 – LLR - 884***

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If you want something in your life you've never had,  
you'll have to do something, you've never done.

~ JD Houston







## 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 - <b>Form - P</b>
2	S & E Act	MONTHLY	Register of Employment for Shop and Establishment <b>Form - Q</b>
3	S & E Act	MONTHLY	Register of Wages - <b>Form - R</b>
4	S & E Act	MONTHLY	Notice of Daily Hours of Work, Rest Interval Weekly Holiday <b>Form - S</b>
5	S & E Act	MONTHLY	Wages slip/Leave card Return - <b>Form - T</b>
6	LWF	MONTHLY	Labour Welfare Fund register - <b>Form - B</b>
7	Min Wages	MONTHLY	Register of Fines- <b>Form - I</b>
8	Min Wages	MONTHLY	Deduction and Damages- <b>Form - II</b>
9	Min Wages	MONTHLY	Overtime register- <b>Form - IV</b>
10	S&E Act	MONTHLY	Whether minimum leave entitled / availed as per <b>Shops &amp; Establishment Rules</b>
11	S.A.ACT	MONTHLY	Maintenance of Registers - <b>Form - 1</b>
12	P.S.ACT	MONTHLY	Maintenance of Registers - <b>Form - 1</b>
13	M.B.ACT	MONTHLY	Maintenance of Registers - <b>Form - A</b>
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 - <b>Form - D</b>
16	N.F.H.ACT	ONGOING	Maintenance of Registers - <b>Form - VI</b>
17	P.W. ACT	MONTHLY	Register of Fines – <b>Form - I</b>
18	P.W. ACT	MONTHLY	Deduction and Damages - <b>Form - II</b>
19	P.W. ACT	MONTHLY	Register of Advances - <b>Form - III</b>
20	P.W. ACT	MONTHLY	Notice of Rate of Wages- <b>Form - VI</b>
21	EPF ACT	MONTHLY	EPF Challan on or before 15 <sup>th</sup> of Succeeding Month
22	ESI ACT	MONTHLY	ESI Challan on or before 21 <sup>st</sup> of Succeeding Month

NOTICE BOARD DISPLAY COPY

23	MA.NO.BO	ONGOING	Abstract of the Maternity Benefit Act – <b>FORM - J</b>
24	S & E Act	ONGOING	Notice of Daily Hours of Work, Rest Interval Weekly Holiday – <b>FORM - S</b>
25	GRA. NO. BO	ONGOING	Abstract of the Gratuity Act – <b>FORM - U</b>
26	P.W.NO.BO	ONGOING	Abstract of the Payment of Wages Act - <b>FORM - V</b>
27	M.W. NO.BO	ONGOING	Abstract of the Minimum Wages Act - <b>FORM - X</b>
28	N.F.H.ACT	ONGOING	Display of list of Holidays under National and Festival Holiday Act – <b>FORM- V</b>
29	P.W. ACT	ONGOING	Notice of Rate of Wages under Payment of Wages Act <b>Form – VI</b>
30	CL NO.BO	ONGOING	Abstract of the Contract Labour Act - <b>Rule -79</b>
31	GRA.ACT	ONGOING	Display of Notice - Authorized by the employer to receive Notice - <b>Rule - 4</b>
32	Min Wages	ONGOING	Inspectors Details- under the payment of minimum wages Act – <b>Rule - 22(10)</b>
33	N.F.H.ACT	ONGOING	Proceeding number received from Labour department-under the National and Festival Holidays Act – <b>FORM - III</b>
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 - <b>Rule 10 of Annexure - A</b>
35	S & E Act	ONGOING	Displayed in Entrance of Company - <b>COMPANY NAME BOARD IN TAMIL &amp; ENGLISH</b>

**DUE DATE FOR FILLING OF RETURNS – 30.09.2015**

<b>ACT</b>	<b>FREQUENCY</b>	<b>DETAILS</b>
<b>PROFESSION TAX</b>	HALF-YEARLY	To be paid along with Company Tax Rs.1000/-per half-yearly

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## Reach us Soon.....



**Compliance** is knowing what our risks are and ensuring our resources are appropriately allocated



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