



V&M ASSOCIATES

ADVOCATES & SOLICITORS

FEBRUARY -2014
Newsletter
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Editor – In Chief

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P. Nehru, B.Sc., B.L.,

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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.

**New No: 13, Old. No 7, First Floor, 4th Main Road, Officers Colony,
Adampakkam, Chennai – 600 008**

From the Desk of the Editor in Chief.....

Obama-Modi Chemistry 'Appears Genuine': New York Times Editorial:

Needless to have any endorsement on that editorial, it was “touched” by them for all of us to “feel” and every countryman amazed, corporate world astonished, federal authorities cherished and CEO of India Inc floored. The chemistry was beyond the scoring syllabus and away from the usual reality shows of diplomacy.

May be they share a very humble roots with noble & high branching out visions, the expectations are set high. Their agreement to expand their economics, and to make India Inc more assertive in Asia besides the N- deal etc. Followed by that announcement of fast track disinvestment, Bombay High Court order on Transfer Pricing related tax demand on Vodafone keeping its vow on the non-adversarial tax regime

The implied expression of America on the slow Economic Reforms during the recent visits brought an announcement as a message from P M that “this is a government where the decisions will be fair, transparent”

Though the vibrations are in “**High Altitude**” the visibilities are in “**Low Lights**” especially when we read on the rare ambit of writ to private corporate, judicial pronouncement of interim stay on the notice given to an employee of a private company and worriedly the legal architectures made to this happen by learned professionals.

This court interim injunction, which restrains the company from right sizing had opened a floodgate for litigation in the I T & I T E S sector, it has been witnessed by a similar order by the Hon’ble Court.

Tough time started for Practicing Managers especially those who are dealing with People. We at **V & M Associates** happen to facilitate dozens of Senior Team members rushing in search of “Basics & Bare Acts” to attend their “**Multiple Choice Board Room Test**” to prevent their respective companies from such unprecedented Employees Outbreak in the recent years.

The ability of Corporate leaders dealing with Resources are highly competent in the appreciative and growth models but certainly the Limitations on managing the Liability part, maybe it was not warranted till yesterday. Therefore considering the critical care support at **V & M Associates**, we have designed a **Help Desk** to provide “**On line & On call**” ER Services effectively to elucidate exclusive exhibits for an easy edit by an executive on the floor either to get an “alert or to arrest”

You are most welcome to contact madhavs@vmlegalassociates.com, we believe in making you to grow is the best mean for us to grow better.

Wishing you all a positive reading – Editor in Chief

Current Labour Scenario



20 Lakh apprentices to be engaged:

Under the Apprentice protsahan yoja na launched in October last year the ministry of Labour and Employment would support one lakh apprentices in the next year two-and – a half years and share 50 per cent of the stipend.

“We have a vision to have more than 20 Lakh apprentices in the next few year against the present number of 2.8 Lakh. In fact, enhanced rates of stipend have also been notified for trade apprentices and the minimum rate of stipend per month payable has been indexed to minimum wage od semi-skilled workers, “ Labour Minister Bandaru Dattatreya said.

Employment Exchanges will no more be mere registration centers:

Union Minister of state for Labour and Employment Bandaru Dattatreya said that the National Employment Exchanges have turned into mere registration centres for the unemployed and the centre is working to change it to national career council centres. The centre would provide Rs.292 Crore for the purpose when the exchanges are transformed to provide employment-related service portal, he said Kolkata.

The portal would be launched in March 2015 and would also host 100 model career centres and vocational rehabilitation centres, Dattatreya said.

Nationwide ‘Satyagraha’ on February 26 by Trade Unions:

Emboldened by the recent two day strike by coal workers, central trades of all political hues have decide to launch a country wide ‘Satyagraha’ on February 26, ahead of the union budget presentation.

At a meeting held here last week, to major trade unions, including the BJP-backed Bhartiya Mazdoor Sangh, the Congress backed INTUC and left parties backed unions, said they will in tensify their protest against the recent amendments to labour laws, which according to them have a “Pro-corporate tilt”.

ESIC pending on referrals to private hospitals on the rise:

Expenditure on referral cases to private hospitals for super specialty treatment by the Employees’ State Insurance Corporation (ESIC) shot up 57 times from Rs.5.79 Crore in 2008-09 to Rs.334.54 Crore in 2012-13, the CAG has said.

The ESIC was set up in 1952 under the Ministry of Labour and Employment to provide subsidised medical services to insured organized sector workers.

At present, about 186 Lakh insured persons or 67 per cent of the organized sector is covered under the Act

Software monitors staff:

Companies are now resorting to audit tools that help in monitoring staff's time spend at work as to emphasis is now shifting focus from 'time in office' to 'time on work'.

In a bid to achieve higher productivity, organizations are implementing policies such as blocking internet access, using swipe cards to verify time in/out of the office, and rewarding those who spend long hours at work.

However, the secret for higher productivity is not working longer but working smarter, according to productivity improvement solutions provider Sapience Analytics. Moreover, most large IT companies have increased office work hours to 9.5 hours, with commuting time of 1-2 hours each way, is creating significance stress for employees.



“We’re looking for someone with the wisdom of a 50-Year old, the experience of a 40-year old, the drive of a 30-year old and the pay scale of a 20-year old.”



Amendments and Notifications

Apprentices (Amendment) Act, 2014 – Enforcement

Gaz. Of India Ext. Pt.II S.3, sub-s(ii) dt. 18.12.2014 F.No. DGET - 1(1)/2014-AP December 18, 2014

NOTIFICATION

S.O.3238(E). – In exercise of the powers conferred by sub-section (2) of Section 1 of the Apprentices (Amendment) Act, 2014 (29 of 2014), the Central Government hereby appoints the 22nd day of December, 2014 as the date on which the said Act shall come into force.

Alok Kumar,
Director General/Jt. Secy.

The Employees' Provident Funds (Fifth Amendment) Scheme 2014

Gaz. Of India Ext. Pt.II S.3 sub-s (I) dt. 12.12.2014

F.No. S-35012/01/2010-SS-II

December 12, 2014

NOTIFICATION

G.S.R. 891(E). - In exercise of the powers conferred by section 5, read with sub-section (1) of section 7 of the employees' provident funds and Miscellaneous provisions Act, 1952(19 of 1952) and in supersession of ministry of Labour and Employment's G.S.R. 321(E), dated the 6th May, 2014 except as respect things done or omitted to be done before such supersession, the central government hereby makes the following scheme, further to amend the Employees' Provident Funds Scheme, 1952, namely:-

1. (1) This Scheme may be called the Employees' Provident Funds (Fifth Amendment) Scheme, 2014.
(2) It shall come into force from 1st April 2011.
2. In the Employees' Provident Funds Scheme, 1952 in sub-paragraph (6) of paragraph 60 the following provision shall be inserted, namely:-

“ Provided that if the settlement of claim in respect of inoperative account is delayed for more than thirty days from the date of receipt of the application for settlement of claim, interest shall be credited to the account in accordance with sub-paragraph (2) for delay period excluding the period of thirty days”.

Arun Kumar Sinha,
Addl. Secy.

Employees' Provident Fund Organisation

Bhavishya nidhi Bhawan, 14-Bhikaji cama place ,
New Delhi – 110066

No. C-III/Compliance – 2001/Cir/E.V/31509

Date: 7th Jan, 2015

To,

All Regional PF Commissioners,
In-charge of Regional/ Sub-Regional Officers,

Sub: Issue of notices to defaulting establishments on initiation of proceedings under section 7A/14B of the Employees' Provident Funds & Miscellaneous Provisions Act, 1952 thorough email-regarding

Sir,

- I. A Facility for Online registration of establishments (OLRE) has been provided for the employers to get themselves registered under the Employees' Provident Funds & Miscellaneous provisions Act, 1952 (the Act) for provident fund code number.
- II. Establishments are now required to register themselves online for PF code number. While registering themselves the employees are required to fill up Form 5A regarding particulars of all the branches and departments, owners, occupier, directors, partners, manager or any other person or persons who have the ultimate control over the affair of such factory or establishment in e-format. A provision has also been made in the Form 5A to register the e-mail ID of the establishments are also required to fill up Form 5A online.
- III. As per the existing practice, whenever proceeding are initiated either under section 7A of the Act for deciding applicability/ assessment of dues against the defaulting establishments or section 14B of the Act for levy of damages, notices are issued to the establishment by post.
- IV. Now, since the employers provided their e-mail ID in form 5A, it has been decided that in additions to notices issued by post, notices shall also be sent in the e-mail Id of the establishment.
- V. This shall be strictly adhered to.
(This issue is with the approval of CPFC)

Yours faithfully

Additional CPFC -I (Compliance)

Employees' Provident Fund Organisation

Bhavishya nidhi Bhawan, 14-Bhikaji cama place ,
New Delhi – 110066

No. WSU/ Inoperative Accounts/ 32736

Date: 12th Jan, 2015

To,

All Regional P.F, Commissioner
In-Charge of the ROs/SROs.

Sub: Strategy to Reduce inoperative accounts by identification and refund of balance to the beneficiaries

Sir,

- 1) It was mentioned at the highest level of the occasion of Sharmyev Jayate held on 16th October 2014 that the amount of accumulation pertaining to beneficiaries which have become inoperative shall be returned to the rightful persons. The task of EPFO is to secure the financial benefits particularly in old age to person joining the scheme. In its fiduciary capacity it is responsibility of EPFO to refund the money to the beneficiaries for and on behalf of whom the money has been collected.
- 2) In absence of availability of address of the beneficiary, the task though may be onerous has to be performed in time bound manner with active help and support of employers.
- 3) The inoperative accounts are presently being settled as on date as per the existing process elaborated in circular No. WSU/ inoperative accounts/ 6184 Dated: 28.07.2014. The process in respect of application made by the account holder in its own violation shall remain identical. For ready reference, copy of the circular is enclosed.
- 4) The issue of inoperative account has been discussed in a series of meeting held by CPFC. Every RO has been instructed to organize camp to ensure that money goes to the rightful claimant. Copy of the e-mail dated 18.08.2014 addressed to each RPFC/OIC is enclosed for ready reference.
- 5) It has been observed that despite the express instructions, the progress in the area of reduction in inoperative account is not adequate. A concerted effort in this matter is needed. The following needs to be done immediately.

- I. Identification of inoperative accounts.
- II. Reconciliation of same from the existing record to confirm the exact amount due to the beneficiary.
- III. Ascertaining UAN of current employment of the beneficiary in case the beneficiary is currently under employment and has a UAN.
- IV. Transferring the amount from inoperative account to the current account by linking the UAN.
- V. Ascertaining the present address of the beneficiary with help of employer in case employee is not currently working.
- VI. Getting the amount standing in the account refunded to the identified beneficiary.

6) It has been observed that there is a large number of accounts which are presently inoperative wherein the final settlement through withdrawal has already been affected. However, subsequent to the withdrawal, an amount has been received in these accounts due to remittance of dues by the employer, collection of additional amount consequent to assessment under 7A; and collection of dues so assessed. The amount might also come due to transfer of an amount in the account from other offices. Amount might have also due to calculation and credit of interest subsequent to withdrawal particularly if the settlement had taken place prior to 2007 as per the then scheme provisions.

7) The manual of accounting procedure at para. No. 10. 11. 2 provide the following.

- I. In-case of defaulting establishments the claim should be settle to the extent the amount standing to the credit of the member, balance as and when realized from the defaulting establishment should be released with interest as admissible under para 60 of the EPF scheme, 1952.
- II. To this category of withdrawal process, all the cases where subsequent collection has been made through the process of assessment under 7A and collection of additional amount so assessed should also be included. Similarly, all the cases where withdrawal has already been made but subsequent credit due to transfer in or calculation of interest has been affected should also be include in this

category. Interest to these additional amount of credit should be made only as per the existing provisions in paragraph No. 72 (6) read along with paragraph 60(6) of the EPF Scheme, 1952.

8) The address and the bank account number of such inoperative account is likely to be available in the system as these information are stored in the database at the time of settlement of first claim of withdrawal.

9) The process of this settlement does not require any application to be made by the beneficiary.

10) However, in order to ensure that no wrong amount is credited to the account of the beneficiary who has settled his account through settlement at first instance, the following process over and above the existing process of settlement of claim is prescribed.

I. RPFC/OIC will get a list of all such cases prepared through the database.

II. The SSA of the account group will individually check that these inoperative accounts have earlier been settled.

III. The SSA will also note on the list the reason for credit in the account subsequent to settlement which will also be counter verified by AO in each case in order to satisfy that the inoperative account pertains to the category mentioned in para 6 of this instructions.

IV. In all such cases, where subsequent credit in the settled account has been affected through any of the appendix – E entry, it will be verified in 100% of cases by APFC.

V. It will be responsibility of the AO to put up the list of cases before APFC where in the subsequent credit has been affected in appendix – E.

VI. A letter will be dispatched to the last known address of the beneficiary to ascertain the following.

- Whether the beneficiary still resides at the address available with EPFO.

- Whether the beneficiary is also currently under employment and is part of EPF scheme, 1952 and has been allotted a UAN.
- The correct and current bank account details of the beneficiary.
- Aadhar of the beneficiary, initially considering the cost of the postage, letter will be sent only in cases having residual balance of Rs 2000/- and above by ORDINARY post. The format of the letter will be intimated by 16th January 2014 by the time of RPF (:/OIC must ensure initiation and completion process mentioned from clause (i) to clause (v) of this paragraph.

VII. If the beneficiary is also currently under employment and is a member of EPF scheme and therefore, has a UAN, he will be advised to activate his UAN so the proper linking of the old inoperative account is made with the existing current account of the beneficiary.

VIII. If the person exist of the given address and confirms that he has same bank account to which initial withdrawal was credited, the amount shall be transferred to his account. The process of settlement will be identical to the modalities prescribed vide circular No. WSU/ inoperative accounts/ 6184 date 28.07.2014 with only difference no claim form is required to be submitted by the beneficiary.

11) Each RPF/OIC after having generated a list of such cases of inoperative account as mentioned in para – (i) will also send report to FA & CAO indicating the number of cases pertaining to this category as inoperative in following format:-

Sl. No	Category		Number of Accounts	Amount
1	upto Rs. 500			
2	501 to 1000			
3	1001 to 2000			
4	2001 to 5000			
5	Above 5000			
6	Total			

12) Utmost importance and priority must be given to this task. The progress in this area will monitor on periodical basis.

Yours faithfully,

(Sanjay Kumar)
FA & CAO

Employees' State Insurance Corporation

Panchdeep Bhawan, C.J.G. Marg. New Delhi – 110002

No.G-32/11/6/111/12 (Bft. & Ins.) (Pt.)

Dated: 31.12.2014

To

All Regional Directors/ Directors I/C /Joint Director I/C Regional Offices
/ Sub Regional Offices / Divisional Office, ESIC

Sub: Ensuring all the online activities where “on-line system” of functioning has been introduced – Regulation 110 of ESI (General) Regulation 1950

Sir,

In view of introduction of Reg.110 of ESI (Gen.) Regulation 1950 all the activities where “on-line system” of functioning has, been introduced, like Registration of factory / establishment, employees, filling, of contributions, payment of contributions, submission and processing of claims for benefits and all- the related procedures under the Act and the rules and Regulations made thereunder, are to be submitted / made on-line.

Hence all the Regional Directors/ Directors I/C/ Joint Directors I/C of ROs / ROs /SROs/ DO are requested to ensure that all activities, where “on-line system” of functioning has been introduced, should be carried out on system only.

(Sanjay Sinha) Director (ICT)

Industrial Disputes Act, 1947

(Central Act XIV of 1947)

G.O (Ms) No.144 Tamil Nadu

Dated: 03.12.2014

NOTIFICATION

Whereas the Governor of Tamil Nadu is of the opinion that it is expedient and necessary in the public interest to add the “ Auto Components Manufacturing Industry” to the first schedule to the industrial disputes Act, 1947 (Central Act XIV of 1947)

Now, Therefore, in exercise of the powers conferred by sub-section (1) of Section 40 of the said Act, the Governor of Tami Nadu hereby adds the “ Auto Components Manufacturing Industry” to the first schedule to the said Act.
(By Order of the Governor)

M.Veera Shanmuga Moni
Secretary to Government

ई-मेल /E-mail: acc.compliance@epfindia.gov.in

दूरभाष /Telephone : 011-26172672

फैक्स /Fax : 011-26103100



कर्मचारी भविष्य निधि संगठन

श्रम मंत्रालय भारत सरकार

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

भविष्य निधि भवन, 14-भीकाजी कामाप्पेस, नई दिल्ली .110066

BhavishyaNidhiBhawan, 14- Bhikaiji Cama Place, New Delhi – 110066

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

WEB CIRCULATION

No. C-III/Compliance-2001/Cir/E.I/

Date: 30.12.2014

To

All Regional PF Commissioners,
In-Charge of Regional/Sub-Regional Offices.

30 DEC 2014

Subject : Instructions on issues related to Online Registration of Establishments (OLRE) for PF Code No. - regarding

Sir,

This is with reference to earlier instructions issued on 02.05.2014, 08.07.2014, 08.09.2014 and 20.11.2014 on the subject.

2. The visits to the field offices and feedback received from some officers on the issues relating to Online Registration of Establishments (OLRE) for PF code number have made us to clarify the following:

- a) The PF code numbers now will have to be allotted online as was made clear in the initial instructions dated 08.07.2014. Even if somebody comes to the office and requests for PF code number, the establishment may be asked to make the request online and submit the papers online only.
- b) Vide instructions dated 08.07.2014, it was very clearly spelt out that the existing establishments will have also to fill up Form 5A online so as to capture the data relating to particulars of all the branches and departments, owners, occupiers, directors, partners, manager or any other person or persons who have the ultimate control over the affairs of such factory or establishment in e-format. Most of the Regional Provident Fund Commissioners, In-Charge of Regional /Sub-Regional Offices have perhaps not looked into this issue at all. This must be done urgently and all the establishments registered earlier in offline format be directed to get Form 5A filled up in electronic format. Mandatory order in this regard under Para 36(7) of the Employees' Provident Funds Scheme, 1952 is being issued.
- c) The establishments while applying through OLRE be allotted code number immediately. These establishments are to be visited within 10-15 days of getting the PF code number online. Regional Provident Fund Commissioners, In-Charge of Regional /Sub-Regional Offices are defaulting

Page 1 of 5

on this account and visits are not carried out. One of the excuses is that such visits will be notified through Unified Web Portal (UWP). This is not true. In the case of establishments registered through OLRE, no visits will be notified through UWP. Therefore, the Regional Provident Fund Commissioners, In-Charge of Regional /Sub-Regional Offices should not wait for the same and contact the establishments on the registered mobile numbers and should carry out the visits on an urgent basis. It should not be delayed in any case beyond 15 days of the online registration.

d) It should be clear that the Enforcement Officer shall visit the establishments and will do the following:

- i. He/she shall obtain copies of all the documents which the establishment has mentioned while applying for the PF code number online for record/completion of the file.
- ii. He/she shall obtain the specimen signature of the authorised officer.
- iii. He /she shall apprise the establishment about the provisions of the Employees' Provident Fund & Miscellaneous Provisions Act, 1952 and the Schemes framed thereunder and supply a small print out to the establishment.
- iv. He/she shall apprise the establishment about the EPF website and various FAQs available therein for the employers.
- v. He/she shall take the photograph of the owner, photograph of the establishment to establish the location and photograph of self alongwith the photograph of the establishment to establish his visit to the establishment. In case of a factory, which is a running concern, he/she shall take a photograph of the factory in such a way which will establish the fact that the factory is running.

3. The idea of these visits is to complete the whole paper work so that the establishment starts compliance. It has been observed that in some cases, the Enforcement Officers have deliberately ignored this aspect of visit. This must not be done. If any lapse on this count is noticed, it will be viewed as a deliberate act of suppression of fact by them.

4. It has been seen, which is right, that the visits are carried out by the Enforcement Officers of the area in which the establishment falls. However, the Regional Provident Fund Commissioners, In-Charge of Regional /Sub-Regional Offices can allocate the work of visit to any other Enforcement Officer, in case of leave or increased work or any other reason. The Regional Provident Fund Commissioners, In-Charge of Regional /Sub-Regional Offices shall be personally responsible to see that all visits are carried out within 15 days of the online registration and in case visits are not carried out and files are not opened, the Regional Provident Fund

Commissioners, In-Charge of Regional /Sub-Regional Offices shall be personally liable for disciplinary action against them.

5. Some of the technical issues which have been raised are replied as under:

Sl. No.	Issue	Clarification
a)	In the OLRE portal, jurisdiction of EPF offices are assigned district/PIN code number/area-wise as per the information received from respective filed offices. If an establishment while applying for code number through OLRE portal mistakenly selects wrong district while filling its address details, the establishment is allotted to the EPF office in whose jurisdiction the said district (so selected wrongly) lies. Thus, the establishment is assigned to an EPF office other than that in which it is physically situated.	For rectifying such inadvertent mistakes, the establishment shall need to approach the EPF office under whose jurisdiction it should actually be covered. The Regional Provident Fund Commissioners-In-Charge of Regional/Sub Regional Offices should verify the original address proofs mentioned in the code number allotment application and forward the same to Additional Central Provident Fund Commissioner-I (Compliance) with their recommendation for resolving the issue through official mail duly attaching attested scanned documents in PDF. A copy of the same should be marked to the RPFC (NDC) so that the applicant establishments can be permitted to apply again with the correct address. A draft format for forwarding such case is attached as Annexure-A. In such cases, the fresh application form against the same PAN will be permitted after the permission is recorded in the software from NDC based on the letter from the ACC-I (Compliance)/Field office. The earlier code number will be blocked from the portal.
b)	In cases where the code number has been allotted under a different office due to wrong selection of a PIN Code under a district whose area is shared by more than one office, no change in the jurisdiction of the office shall be permitted.	The allotted code number will remain under the office where the code was allotted. No request for the change of the location in such cases should be forwarded to the Additional Central Provident Fund Commissioner-I (Compliance). However, if it is so desired, the Zonal ACC may forward a request for change in PIN Code based mapping in the EPF office jurisdiction to Additional CPFC-I (Compliance) with a copy to the RPFC (NDC) for effecting the changes for future allotments.

6. Sometimes, contractor establishments take Provident Fund Code Numbers in order to participate in the tender process only without having any intention to comply to the provisions of the Act. In view of simplification in allotment of code numbers through OLRE, many such contractors may be registering themselves and not remitting contributions. To check such practices, it has already been mentioned in the Code Allotment letter, which is generated through OLRE, that this letter is valid only for three months.

7. In cases, where employers have not remitted dues for a continuous period of three months after taking the PF code number through OLRE portal, the establishments shall be marked as "closed" in the application software in the respective field offices. Remittance position of all the establishments marked as "closed" shall be watched and if it is noticed that the establishment is remitting dues subsequently, necessary action may be taken by the compliance branch of the field offices.

8. In case of establishments where the employees strength is 50 and above, it has been made mandatory for them to register with EPFO the requisite Digital Signature Certificate(DSC)(Class-II and above) of the persons mentioned in Form 5A and Specimen Signature Card after issue of code number for facilitating on-line submission of digitally authenticated documents. This shall be ensured invariably. Establishments having employee strength less than 50 may also be persuaded to register the Digital Signature Certificate (DSC) (Class-II and above) of the persons mentioned in Form 5A and Specimen Signature Card.

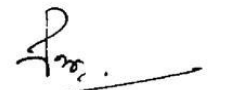
9. Regional Provident Fund Commissioners-In-Charge of Regional/Sub Regional Offices shall see that the copies of the code number allotment letters are distributed to Compliance, Damages and Accounts sections and also to the Enforcement Officers as a standard practice.

10. These instructions shall be carried out in letter and spirit. Any deviation will be viewed seriously.

(This issues with the approval of CPFC.)

Enclosures: As above

Yours faithfully,



(P. K. Udgata)

Additional CPFC-I (Compliance)

Copy to:

Additional CPFCs (Zones) for information.



(P. K. Udgata)

Additional CPFC-I (Compliance)

Annexure-A

To

The Additional Central Commissioner-I (Compliance), Employees'
Provident Fund Organisation,
Head Office, Bhavisyanidhi Bhawan,
14, Bhikaiji Cama Place,
New Delhi – 110066.

Subject : Allotment of code number of the establishment in respect of Esst. Id _____
(Code number allotted to the establishment) _____ under the Regional/Sub Regional
Office _____ (Name of office) _____, due to wrong selection of a district
in the address field by the employer – regarding.

Sir,

This is to inform that the employer of M/s _____ (Name of the establishment) _____ having the correct address as mentioned below has intimated that the code number _____ (Code number allotted to the establishment) _____ was allotted to his establishment under the Regional/Sub Regional Office _____ (Name of the office) _____ due to the error in selection of a wrong district _____ (Name of the office) _____ by him while applying for the code number online.

Address line 1 : _____
Address line 2 : _____
City : _____
District : _____
State : _____
PIN : _____

2. The above address has been verified against document(s) mentioned below :

Please tick the appropriate proof	
Bank passbook, the account being not more than 3 months old	
Postpaid telephone in the name of the establishment/proprietor	
Document of power connection in the name of the establishment	
Document on water connection in the name of the establishment	
Any license issued in the name of the establishment	

3. The request for the change of the office is not due to the wrong selection of the PIN code. It is requested to provide the solution for the allotment of the code number to the said establishment under the correct office.

Yours Faithfully,

RPFC/OIC
Regional/Sub Regional Office

Copy to:

Regional Provident Fund Commissioner, NDC for information.

RPFC/OIC
Regional/Sub Regional Office



कर्मचारी भविष्य निधि संगठन
Employees' Provident Fund Organisation

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

भविष्य निधि भवन, 14 भीकाएजी कामा प्लेस, नई दिल्ली - 110066.
 Bhavishya Nidhi Bhawan, 14-Bhikaiji Cama Place, New Delhi-110066
 Phone: 011 - 26172685, Fax: 011-26173022, e-mail: rc.fa@epfindia.gov.in

For Web Circulation Only

No.: WSU/Inoperative Accounts/Vol-II

Date: 12.01.2015

To

12 JAN 2015

All Addl. CPFCs.
All Regional P.F. Commissioners
 In-charge of the ROs/SROs.

Sub: Amendment in para 60 of the EPF Scheme, 1952 on 'Crediting of interest on inoperative accounts in exceptional cases' - Notification thereof.

Sir,

Please find enclosed copy of Notification No. GSR.891(E) dated 12th December 2014 issued by the Ministry of Labour & Employment on the above said subject.

2. The amended provision in paragraph 60(6) shall come into force from 1st April, 2011.

Yours faithfully,

Encl: As above

(Sanjay Kumar)
 FA&CAO

Copy to:

- 1) DD (OL) for Hindi version.
- 2) RPFC (NDC) for web upload.

(Sanjay Kumar)
 FA&CAO

Telephone: 26178450

Fax No: 26194349



कर्मचारी भविष्य निधि संगठन Employees' Provident Fund Organisation

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

मुख्यालय / Head Office

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

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

No. Invest. I/3(2)/133/ROI/2014-15/

Date: 04.02.2015

04 FEB 2015

To

All Regional Provident Fund Commissioners,
Officers-In-Charge,
Regional Offices/Sub-Regional Offices.

Subject: Declaration of Rate of Interest for the Employees' Provident Fund Members' Account for the year 2014-15 - regarding.

Sir,

It is to intimate that the Ministry of Labour and Employment, Govt. of India, has conveyed the approval of the Central Government granted under Para 60(1) of Employees' Provident Fund Scheme, 1952 to credit interest @ 8.75% for the Year 2014-15 to the account of each member of the Scheme.

You are accordingly, requested to issue necessary instructions to all the concerned for crediting the said interest to the members' accounts.

(Authority:- Ministry of Labour and Employment Letter No. R-11018/1/2014.SS-II dated 23-01-2015)

Yours faithfully,

(ABHAY RANJAN)

REGIONAL P.F. COMMISSIONER -I (IMC)

Copy to:-

1. PS to Central Provident Fund Commissioner
2. All CBT Members
3. Director, NATRSS, New Delhi
4. All Zonal Dy Directors (Vig.)/All Zonal Audit Officers
5. Addl. Central Provident Fund Commissioner (IS)
6. RPFC (Exemption), HQrs- for information and necessary action
7. Officers-in-charge, ZTI, Kolkata, Ujjain, Faridabad & Chennai
8. All Officers & Section in Headquarters
9. All Zonal Addl. CPFCs
10. Central Organizations of Employers' CCI, CII, ASSOCHAM, FICCI & PHD
11. Central Organizations of Employees-All Central Trade Unions
12. Director (SS-II) Ministry of Labour & Employment
13. Director(Budget), Ministry of Finance, D/o Economic Affairs, Budget Division, New Delhi
14. RPFC-II (In-charge), National Data Centre, for uploading the orders in the EPFO website

(AMUL RAJ SINGH)

REGIONAL P. F. COMMISSIONER-II (INVEST.)

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GOVERNMENT OF TAMIL NADU
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Part III—Section 1(a)

General Statutory Rules, Notifications, Orders, Regulations, etc.,
issued by Secretariat Departments.

NOTIFICATIONS BY GOVERNMENT

LABOUR AND EMPLOYMENT DEPARTMENT

AMENDMENTS TO THE TAMIL NADU LABOUR WELFARE FUND RULES.

[G.O. Ms. No. 16, Labour and Employment (G2), 20th January 2015, எண் 6,
ஜய, Thiruvalluvar Aandu-2046.]

No. SRO A-1(a)/2015.

In exercise of the powers conferred by sub-section (1) of Section 41 of the Tamil Nadu Labour Welfare Fund Act, 1972 (Tamil Nadu Act 36 of 1972), the Governor of Tamil Nadu hereby makes the following amendments to the Tamil Nadu Labour Welfare Fund Rules, 1973.

2. The amendments hereby made shall come into force on and from the date of its publication in the *Tamil Nadu Government Gazette*.

AMENDMENTS

In the said Rules, in rule 11-A,-

- (1) for the expression "rupees seven" occurring in two places, the expression "rupees ten" shall be substituted; and
- (2) for the expression "rupees fourteen", the expression "rupees twenty" shall be substituted.

M. VEERA SHANMUGHA MONI,
Secretary to Government.

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ON BEHALF OF THE GOVERNMENT OF TAMIL NADU

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NOTIFICATIONS BY GOVERNMENT

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NOTIFICATIONS BY GOVERNMENT

LABOUR AND EMPLOYMENT DEPARTMENT

Amendments to the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) (Tamil Nadu) Rules.*[G.O. Ms. No. 3, Labour and Employment (K2), 6th January 2015, மார்ச்சு 22, ஐய, திருவள்ளூர் ஆண்டு-2045.]*

No. SRO A-2/2015.—In exercise of the powers conferred by Section 35 of the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 (Central Act 30 of 1979), the Governor of Tamil Nadu hereby makes the following amendments to the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) (Tamil Nadu) Rules, 1983, the draft of the same have been previously published as required under sub-section (1) of the said Section 35 of the said Act.

AMENDMENTS

In the said Rules,—

- (1) in rule 6, in sub-rule (4), for the expression "rupees five", the expression "five hundred rupees" shall be substituted;
- (2) for rule 12, the following rule shall be substituted, namely:—

"12. Fees.—(1) The fees for the grant of certificate of registration of an establishment under sub-section (1) of Section 4 shall be as specified below:—

If the number of migrant workmen proposed to be employed in the establishment on any day—

	Rs. P.
(a) is 5 but does not exceed 50	2,500.00
(b) exceeds 50 but does not exceed 100	5,000.00
(c) exceeds 100 but does not exceed 200	10,000.00
(d) exceeds 200	20,000.00

- (2) The fees to be paid for grant or renewal of a licence under Section 8 shall be as specified below:—

If the number of workmen employed by the contractor on any day—

	Rs. P.
(a) is 5 but does not exceed 50	2,500.00
(b) exceeds 50 but does not exceed 100	5,000.00
(c) exceeds 100 but does not exceed 200	10,000.00
(d) exceeds 200	20,000.00";

- (3) in rule 14, in sub-rule (3), for the expression "five rupees", the expression "five hundred rupees" shall be substituted;

- (4) in rule 16, in sub-rule (2) for the expression "Rs.10", the expression "five hundred rupees" shall be substituted.

M. VEERA SHANMUGHA MONI,
Secretary to Government.

CASE LAWS

Tempering of documents, thereby causing financial loss to the employer by an employee, is a serious misconduct. Quantum of punishment and nature of penalty to be awarded is exclusively within the jurisdiction of the competent authority / employer. Court has no power to interfere in the quantum of punishment, imposed by the employer upon the employee, under power of judicial review without giving convincing reasons. No Sympathy should be shown in matters of misappropriation.

SUPREME COURT OF INDIA – The Life Insurance Corporation of India & others Vs.Vasanthi – LLR – 2015 - 179

Termination of an employee who has worked for 240 days or more in preceding 12 calendar months, without making compliance of section 25-F of the Industrial Disputes Act, 1947, would attract reinstatement with back wages since such like termination is illegal.

SUPREME COURT OF INDIA - State of U.P. and Another Vs.Km. Shashi Joshi - LLR – 2015 – 158

Burden of proof for proving continuous services of 240 working days during the preceding 12 months lies upon the workman. Illegality in the order of termination on account of non-payment of retrenchment compensation does not necessarily attract reinstatement

SUPREME COURT OF INDIA – Bhavnagar Municipal Corporation Vs.Jadeja Govubha Chhanubha & Another – LLR – 2015 – 160

If the workman has not completed service of 240 working days in any of the years, his service would not be a continuous service as per section 25B of the Industrial Disputes Act, 1947 irrespective of his long attachment with the employer. When the Management has denied the working of workman for 240 working days or more in any of the calendar year with the support of documentary evidence, it is the burden of the workman to prove contrary through cogent evidence.

PUNJAB & HARYANA HIGH COURT – Presiding Officer, Industrial Tribunal-cum-Labour Court and Others – LLR – 2015 - 149

Once the order passed by the commissioner (EPF Authority) exercising the Quasi Judicial functions, has been set aside by the EPF Appellate Tribunal, it would not be permissible for the commissioner to challenge the order of the Appellate Authority by filing writ petition

BOMBAY HIGH COURT - Regional P.F. Commissioner, E.P.F. Organisation Vs.Melagaon Sah.Sakhar Karkhana Limited – LLR – 2015 - 164



Compliance Check List

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



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(Advocates & Solicitors)

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