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ADVOCATES & SOLICITORS

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Newsletter

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HUMAN RESOURCES MANAGEMENT AND

In this Issue:

- Latest News
- Employees Provident Fund
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- Statutory Compliance Check-List

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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HUMAN RESOURCES MANAGEMENT AND INSTANT METHODOLOGICAL APPROACH TO ORGANIZATIONAL PERFORMANCE IMPROVEMENT PROCESS

Either the voice of Return of Power, Reinforcement of Dharma, Renaissance of authority, Reassurance of Justice, Reversal of judgements or the Noise of Reviews, Repeal debate Re-introspection across the country, we the Practising Business Managers should instantly sift from the "Strom & warm" fluid status to the "Strong & Solid" performance on quick fix models to manage the unstoppable changes in the Rule and its impact in the Business Eco System.

Be it the Rule of "Rama or Ravana" we as Practising Business Managers (PBM) should be *apolitical and non-judgmental* on the judiciary with an open mind to appreciate the better part of the system and evolve through an highly adoptable process and continue to "impose faith on the System & enforce Divinely discipline in the larger interest" of the stakeholder and facilitate the system to set aside the individual "likes & dislikes" or analysis or views and make the structure to stand & withstand.

The instant impact due to Political Eco System and the impact of our business verticals can be addressed only through Adoptable Organizational performance improvement, which are not only the fundamental enterprise tasks and also the only basics work at works. This especially applies to the case when the term "performance improvement" implies efficiency improvement measured by indicators, such as ROI, ROE, ROA, or ROVA/ROI. Such tasks are very complex, requiring implementation by means of resource management. In this learning V & M Associates proposes a methodological approach to improving the organizational performance of a Mid Enterprise to transform into Large Corporate

CONCEPT OF THE INSTANT ADOPTABILITY TO MUTATED BUSINESS ECO SYSTEM:

1) QUICK AND MEASURABLE IMPROVEMENT PROCESS

The organizational performance improvement process should produce results that enhance the efficiency of the entire business addressing the long term goals of the company. Therefore, taking into account that such a process is important for designing efficient instant sub process towards realignment of organizations goals, it can be understood that it is treated as significant. There are many different models of instant organizational performance improvement consisting of several stages

2) Check on your work Personality:

A quick sanity check on the deployed critical resource and resource stock taking on who does what and who could be the right resource to raise for the occasion

3) Focus on the work goals:

Connect back to the Business Goals and study with the changes and impact for the team to align towards refocus

4) Declaration of Preferred skill & knowledge

Obtain self-skill declaration from every key resource and work towards flexi improvement programmes irrespective of the level to ensure the right knowledge to lead & deliver

5) Calibrate the Technical Aspects to face the Challenges

There are times that non-technical aspects of the organisation shall be tougher than the technical challenges due to various reasons of pending approval, clearance and other acceptance of reality, therefore the leadership team to calibrate technically to what extend the team is ready.

6) Developing quick competency to fix the gap:

Though the presence of Competency Frame work it is the time to redraw the leadership team attention to fix the small gaps immediately which may cause set backs

We at V & M Associates make an appeal for to every Team Members of to work on the common basic grounds of M **EET** to address every transaction and to avoid business causalities

MEET - means Make Time to Discuss, Eliminate the Differences, Enforce Discipline (work) and Take ownership on the Transactions.

We at **V & M Associates** evolved new service packages address to the need from **First Aid to Critical Care** to ensure **Healthier Corporate; Happy Managers & High order performance.**

Happy Reading,

Sincerely,

S. Madhavan
Advocate



Latest News

Proposal to amend the Industrial Disputes Act, 1947

The Department of Industrial Policy & Promotion (DIPP) has suggested certain amendments to section 25FFF of the Industrial Disputes Act, 1947 in the context of implementing the National Manufacturing policy. This Ministry has organized two tri-partite consultations with the stakeholders to ascertain their views. The proposed amendments have not been finalized. This was stated by Shri Bandaru Dattatreya, the Minister of State (IC) for Labour and Employment in response to a written question in Rajya sabha.

Taking State governments into confidence for amending labour laws

Amendment proposed in Labour Laws goes through the process of Tripartite Consultation where the representatives from Central Trade Unions, Employers' Associations and State Governments are invited to express their views and suggestions on the proposed changes.

The approach of the Government has been to reform the Labour Laws by easing the complexity of compliance of Labour Laws by the employers through simplified procedures without compromising on the interest of the workers.

This was stated by Shri Bandaru Dattatreya, the Minister of state(IC) for Labour and Employment in response to a written question in Rajya Sabha.

Shops in Maharashtra can now stay open 7 days a week

With a view to generate employment and give businessmen more flexibility, the state government has allowed all retail shops, commercial establishments to remain open seven days a week, 365 days a year. However, the closing time for these shops remains 10 pm. Employees will work six days and compulsorily get a paid weekly off. The decision will benefit 30 lakh retail shops and commercial establishment employing 50 lakh people across the State

Bringing hotel and private security workers under social security scheme

The Government enacted the "Unorganised Workers Social Security Act, 2008" with a view to provide social security to unorganised workers including those in hotel, private security and others. The Act provides for constitution of National Social Security Board at the central level to recommend social security schemes like life and disability cover, health and maternity benefits, old age protection and any other benefit as may be determined by the Government for unorganised workers.

The 'unorganised worker' has been defined under the Unorganised Workers Social Security Act, 2008 as a home – based worker, self-employed worker or a wage worker in the unorganized sector and includes a worker in the organized sector who is not covered by any of the Acts mentioned in Schedule-II of this Act. As such, all unorganized

workers including those in hotel, private security and others and covered as per the provisions of the Act are eligible to take benefits under the social security schemes/welfare schemes framed under the Act.

This was stated by Shri Bandaru Dattatreya, the Minister of State (IC) for Labour and Employment in response to a written question in Rajya Sabha.

ESIC's 165th meet

The Employees' State Insurance Corporation (ESIC) discussed for providing option to employees to choose either ESI benefits or health insurance product recognised by IRDA, in its 165 meeting; in reference to the budget speech 2015-16 (para 62) of Finance Minister. Badaru Dattatreya, Minister of State for Labour & Employment (IC), govt. of India, chaired this meeting.

Mandatory Hiring of Apprentices

The Apprentices Act, 1961 has been amended and brought into effect from 22.12.2014. Before the said amendment of the Act, there was no provision to mandate establishment to hire at least 50 per cent of their Apprentices for regular employment. After amendment, the Act provides every employer shall formulate its own policy for recruiting any apprentice who has completed the period of apprenticeship training in his establishment. Several suggestion/ recommendation were received from Office of the Prime Minister's National Council on Skill Development (PM's NCSD), Central Apprenticeship Council (CAC), National Commission on Labour (NCL), Indian Labour Conference (ILC), Confederation of Indian Industry (CII) and National Skill Development Agency (NSDA) and other stakeholders to make changes in the Apprentices Act, 1961. These were discussed in an Inter- Ministerial Group (IMG) having representatives from Ministry of Railways, Ministry of Micro Small Medium Enterprises, Ministry of Power, Ministry of Defence, Planning Commission, NSDA, The recommendation of IMG were discussed in the CAAC-a tripartite statutory body and simultaneously, these recommendations were also posted on web-site for inviting the comments of public, at large. The amendments were carried out after considering suggestions from different stakeholders. This was stated by the Minister of State (IC) for Labour and Employment in Lok Sabha

Apprentice Protsahan Yojana

A new Scheme 'Apprentice Protsahan Yojana' has been started on 16.10.2014 to share 50% of prescribed stipend to the apprentices by Government of India for the first two years of training engaged by eligible establishments particularly in manufacturing sector and other establishments covered under the Apprentices Act, 1961. Regional Directorates of Apprenticeship Training under the control of Directorate General of Employment & Training will act as implementing agencies in their region. After launching of this Scheme, the MSMEs establishments are able to engage apprentices and it also enables them to get skilled manpower for their needs. This Scheme covers all categories of Apprentices except the Graduate, Technician and Technician (Vocational) apprentices which are covered by scheme administered by Ministry of Human Resources Development. This was stated by the Minister of State (IC) for Labour and Employment in Lok Sabha.



EPFO retains 4 fund managers: also appoints UTI AMC

Retirement fund manager EPFO has retained its existing four fund manager SBI, ICICI Securities Primary Dealership, Reliance Capital and HSBC AMC for a three-year term, starting April 1, 2015.

Apart from these four portfolio managers, the Employees Provident Fund Organisation (EPFO) has also appointed UTI AMC for managing its corpus for the next three years.

EPFO sets up expert group on housing

The Employees' Provident Fund Organisation has formed a six-member expert panel to consider the proposal of facilitating housing so its subscribers. "The Expert committee will consider the proposal for facilitating housing to subscribers of Employees' Pension Fund and other Issues", EPFO said in a statement.

EPFO suspends Rs. 1,000 minimum monthly scheme

Retirement fund body EPFO has suspended the Rs.1,000 minimum pension scheme, a decision which will hit about 32 lakh pensioners. The scheme was launched with effect from September 2014, hiking the pension amount to a flat Rs.1,000 per month for those who were getting lower amount earlier.

Shri Bandaru Dattatreya launches of EPFO short code SMS Services option to get services in ten different Indian languages

Shri Bandaru Dattatreya, the Minister of state for Labour and Employment (Independent Charge) has launched EPFO's Short Code SMS services for the member of EPFO during the 206th meeting of CBT (EPF) held on 11.03.2015. The facility is envisaged to ease the members in knowing their details along with contribution and PF Balance. As this facility is available only to the UAN activated member, such facility will speed up the UAN activation process by the members.

During the year 2014, EPFO had launched the UAN programme wherein a Universal Account Number was allotted to all the members and different services such as passbook, monthly SMS of contributions were provided on its activation at EPFO's UAN portal. The Short Code SMS service will be available to UAN activated members.

In this facility the member will send an SMS in predefined format from his/her mobile number registered during UAN activation. The EPFO, on receipt of such SMS will send members details available with EPF along with details of KYC seeded. Last Contribution and Total PF Balance.

The Members have been given an option to know the details in 10 different Indian Languages namely English, Hindi, Telugu, Punjabi, Gujarati, Marathi, Kannada, Tamil, Malayalam and Bengali.

LATEST

Amendments & Notifications

Subject: Deduction of TDS on PF withdrawal in Form 19 -Amendment in Sec 192A of the IT Act 1961

PHONE: 2226 1925/4376/2298/2297 /e-mail: ro.tambram@epfindia.gov.in /FAX: 2226 1935

EMPLOYEES PROVIDENT FUND ORGANISATION

(Ministry of Labour, Government of India)

REGIONAL OFFICE: TAMBARAM - 600045 / 3, Rajaji Salai, CHENNAI 600 045

No. TB/RO/TAM/Coord/2015-16 Date: 22.05.2015

To

The Proprietor / Authorized Signatory

Sir,

Sub: Deduction of TDS on PF withdrawal in Form 19 -Amendment in Sec 192A of the IT Act 1961 “ - Reg.

The Finance Act 2015 (20 of 2015) has inserted a new section 192A regarding the deduction of TDS on Provident Fund Withdrawal and the provision shall take effect from 01.06.2015. Accordingly the TDS is deductible at the time of payment of provident fund in FORM 19 . The Highlights of the said provisions is listed below for your information.

Income Tax shall be deducted at Source at the rate of 10% if at the time of payment of Accumulated PF Balance is more than or equal to Rs. 30000/-, with service less than 5 years if PAN number is provided. In case of PAN not submitted then TDS will be deducted at maximum marginal rate i.e. 34.608%.

TDS will not be deducted in the following cases

1. Member who had rendered continuous service of 5 years or more, including service with former employer shall not be required to submit PAN and Form 15G/H along with Form 19.
2. Similar member whose service has been terminated due to his ill health, contraction or discontinuance of business of employer or other cause beyond the control of the member shall not be required to submit PAN, Form No. 15G/15H along with Form No. 19.
3. TDS shall not be deducted in case of Transfer of PF from one Establishment to another.
4. If PF payment is less than Rs.30000/-and the service is less than 5 years then no TDS is deductible.
5. If PF payment is \geq 30000/- and service less than 5 years and submits Form 15G/15H along with their PAN

Hence it is requested to ensure that Form 15H / 15G (To download the forms please click -

<http://www.incometaxindia.gov.in/Pages/downloads/most-used-forms.aspx>) and PAN Number are submitted alongwith the PF Claim in respect of all members who fall under the above category for easy settlement of the amount. For further assistance you may click the line http://www.epfindia.gov.in/Circulars/Y2015-16/WSU_IncomeTax_5931.pdf and also you may contact APFCs on the following numbers 04422265830/22265831/22260163.

Yours faithfully,
(M. MADHIAZHAGAN)
Regional P.F. Commissioner I
EPFO, Regional Office, Tambaram

Employees' Provident Fund Organisation

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

LIC-2(MISC) 2009/EPFAT/44430

Date 23.03.2015

To

All Addl. Central P.F Commissioner (Zone)
All Regional P.F Commissioners
Regional officers/Sub-Regional Offices

Sub: Appointment of Presiding Officer in EPFAT, New Delhi-regarding.

Reference: Ministry of Labour & Employment letter No. A-12026/02/2014.SS.I Dated 10.03.2015

Sir,

Please find enclosed herewith a copy of order No. A-12026/02/2014.SS-I dated 10th March,2015 of ministry of Labour & Employment , Govt. of India conveying appointment of Sh.Harish Gupta, Addl. District & Sessions Judge, Yamunanagar at Jagadhri (Haryana) as presiding Officer in EPFAT new Delhi by Central Government under EPF & MP Act, 1952 for information and necessary action.

Yours faithfully,

(J.R.Sharma)
Addl. Central P.F Commissioner (Legal)

Employees' Provident Fund Organisation

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

No.R-I/VAS/2014/111/42348

Date 12.03.2015

To

All Additional Central Commissioners (Zones)
All Regional P.F Commissioners,
Regional Office/Sub-Regional Offices

Sub: Short Code SMS Services to the UAN activated members –Reg.

Sir/Madam,

An SMS to all the members who have activated their UAN is being sent informing therein about credit of their monthly contribution in PF Accounts. An additional facility of Short Code SMS for EPF members who have activated their UAN has been launched by Hon'ble Minister of State (Independent Charge), Ministry of Labour and Employment on 11.03.2015 to provide his available details with the EPFO.

2. In this facility a member who has activated his UAN, can send an SMS from his/her registered mobile number in the predefined is EPFOHO UAN followed by first three characters of preferred language. This facility is available in 10 different languages namely English, Hindi, Telugu, Punjabi, Gujarati, Marathi, Kannada.

Malayalam, Tamil & Bengali. For example, if a member desires to receive SMS in Hindi he/she will send SMS EPFOHO UAN HIN at 7738299899. The Message will be received on his registered mobile in the format of Annexure "A".

3. A member will not receive his/her contribution details if none of AADHAAR, PAN or Ban A/C is digitally approved and provided by the employer.

4. This is for information and you are urged to publicise the given facility amongst the members and employers.

Yours faithfully,

(R.K. Kukreja)
Additional Central P.F. Commissioner (IS)
Annexure "A"

EPFO Short Code SMS Service

New Message

Enter Mobile

7738299899

Enter Message

EPFOHO UAN <LAN>

SEND

<LAN> : First Three Character of Preferred Language

1. English : ENG
2. Hindi : HIN
3. Telugu : TEL
4. Punjabi : PUN
5. Gujarati : GUJ
6. Marathi : MAR
7. Kannada : KAN
8. Malayalam : MAL
9. Tamil : TAM
10. Bengali : BEN

Employees' Provident Fund Organisation

Bhavishya Nidhi Bhawan, 14-Bhikaji Cama Place,

New Delhi – 110066

No. Pen/Actuarial/18(2)2008/Vol-III/1164

Dated: 09th April 2015

To,

All Addl. Central P.F Commissioner (Zones)

All Regional P.F Commissioners, In-Charge of Regions

All Regional P.F. Commissioners, In-Charge of SROs

Sub: Release of Pension under EPS-1995 without the Minimum Pension of Rs.1,000/- Per month from the Month of April 2015 onwards-Generations of BRS for the Month of April 2015 only after receiving patch from IS Division –Reg.

Sir,

As you are aware, the Government of India had issued the Gazette Notification GSR No.593€ dated 19.08.2014 providing for a minimum pension of Rs.1,000/- per month under EPS-95. As per the notification the provision of minimum pension of Rs.1,000/- per month in respect of member/widow(er) disabled /nominee/dependent parents and Rs.250/- per month and Rs.750/- per month Children and Orphan pension respectively was made effective from 01.09.2014 and was specifically limited to the financial year 2014-15.

2. Consequent to the notification, appropriate changes in the application was carried out by the Division and offices have disbursed the month pensions with minimum pension provision as provided for in the notification form the month of September 2014 to March 2015.

3. While the matter has been referred to the Government for a decision on the continuation of the minimum pension provision beyond 2014-15, a direction is yet to be received. Under the circumstances EPFO cannot go beyond the directions of the Government and the provisions of the Gazette Notifications GRS No.593(E0 from the Month of April 2015 will be released at earlier rates i.e. without the minimum pension provision.

4. All field officers are, therefore, directed to ensure that the BRS processing cycle for the month of April 2015 for carried out after receiving the necessary patch form IS Division.

5. The directions in the previous paragraph are for strict compliance and it must be ensured that no overpayments take place.

(This Issues with approval of the CPFC)

Yours faithfully,

(Chandramauli Chakraborty)

Regional Provident Fund Commissioner-I (Pension)

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No. 18]

CHENNAI, WEDNESDAY, MAY 6, 2015
Chithirai 23, Manmadha, Thiruvalluvar Aandu – 2046

Part III—Section 1(a)

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

NOTIFICATIONS BY GOVERNMENT

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NOTIFICATIONS BY GOVERNMENT

LABOUR AND EMPLOYMENT DEPARTMENT

Amendments to the Tamil Nadu Plantations Labour Rules.

[G.O. Ms. No. 66, Labour and Employment (K2), 10th April 2015.]

No. SRO A-10/2015.—In exercise of the powers conferred by sub-sections (1) and (2) of Section 43 of the Plantations Labour Act, 1951 (Central Act LXIX of 1951), the Governor of Tamil Nadu hereby makes the following amendments to the Tamil Nadu Plantations Labour Rules, 1955, the draft of the same having been previously published as required by the said sub-section (1) of Section 43 of the said Act.

AMENDMENTS

In the said Rules,—

(1) in Chapter VI,—

(a) in the heading, the words “AND MATERNITY” shall be omitted;

(b) rules 72, 73, 74, 75, 76, 77, 78, 79 and 80 shall be omitted;

(2) Form Numbers 8, 9, 10 and 11 shall be omitted.

KUMAR JAYANT,
Secretary to Government (In-charge.)

Employees' Provident Fund Organisation

Bhavishya Nidhi Bhawan, 14-Bhikaji Cama Place,

New Delhi – 110066

LC-2 (908) 2014/KR/311

Dated: 06th APR, 2015

To,
All Addl. Central P.F. Commissioners (Zones)

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.

The WP No .999/2014 was filed by M/s Tasty Nut Industries Kollam, Kerala vs. UOI, CBT,CPFC and ors. Before Hon'able 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 Bangaluru, 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 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 the concerned Regional office, under Your jurisdiction to comply to the order of the Hon'ble Supreme Court of India.

Yours faithfully,

Encl. As above

(Rajesh Bansal)
Addl. Central P.F. Commissioner (HQ)



NON-SUPPLY OF REPORT OF ENFORCEMENT OFFICER WILL VITIATE PROCEEDINGS UNDER SECTION 7-A OF THE PROVIDENT FUND ACT

West Bengal Power Development Corporation Limited, the Employer/petitioner is covered under the Employees' Provident Funds and Miscellaneous Provision Act, 1952. A contractor, M/s. Development Building Construction, an establishment to which the provision of the Employees' provident Funds and Miscellaneous Provisions Act, 1952 and the schemes framed thereunder were applicable, was engaged by the Employer/petitioner for supply of manpower. The said contractor did not pay contributions for some of its employees. EPF Authority initiated proceeding under section 7-A of the Act against the contractor and the petitioner. The petitioner participated in section 7-A proceedings and contended that it could not trace the records of employees engaged through contractor that it could not trace the records of employees engaged through contractor. EPF Authority passed order under section 7-A, only on the basis of unproved report of the Enforcement Officer, without examining any witness or admitting any documents in evidence submitted by the petitioner. Copy of that report was not supplied to the petitioner which is neither fair nor reasonable. After receiving a copy of the section 7A order, the petitioner submitted a review application under section 7B of the Act which was rejected mentioning therein that the report of the Enforcement Officers was brought to the representative of the employer and the Enforcement Officers had prepared the wage statement based on the information submitted by the Union. The petitioner filed writ petition instead of appeal challenging the orders of the EPF Authority contending that the order challenge has been passed in gross violation of the principles of natural justice. Liability, If any was to be determined upon the contractor since it was submitted to the EPF Authority that the employees concerned were engaged by a contractor. The EPF Authority did not examine any witness to prove that report which is not a fair procedure. In the absence of a procedure statutorily prescribed for adjudication of the proceedings, the EPF Authority was required to follow the procedure that would have provide the petitioner a fair and reasonable opportunity of defending itself.

The EPF Authority, in fact, has saddled the petitioner with a huge statutory liability coupled with its inevitable other statutory consequences, including penal action, in a most casual manner and such a role on the part of the EPF Authority establishes a breach of principles of natural justice. The report of the Enforcement Officers not proved by anyone was made the sole basis of the section 7a order. This is an arbitrary way of deciding a quasi-judicial proceeding. In section 7B proceedings, the EPF Authority was required to examine whether any ground, taken by the petitioner, could be a warrant for reviewing the section 7-A order. Taking decision on the basis that the report, the sole basis of the proceedings, had been brought to the notice of the representative of the petitioner, is not fair and proper. Instead of stopping there, the EPF Authority gave new reasons to support his section 7A order, disclosing for the first time that the report was based upon certain wage statement prepared on the basis of information submitted by a union. No such wage statement was proved by any one not it was disclosed to the petitioner. The EPF Authority has acted casually forgetting the requirement of taking down evidence in proof of the claim. Employees were engaged from March 1991 to August 2001. Summons of the proceedings were served on the petitioner in March 2007. Petitioner submitted that the he could not retrieve any connected record. In fact, the EPF Authority acted casually while passing the impugned order. The EPF Authority, in fact, denied the petitioner reasonable opportunity of defending itself. Hence, both the orders are set aside. Proceedings under section 7A be decided afresh giving reasonable opportunity by the EPF Authority within ten weeks.

West Bengal Power Development Corporation Limited vs. Union of India & Ors., 2012 LLR 835 (Cal. HC).

Paying lesser wages or delayed wages amounts to unfair labour practice. Discrepancy in wages of permanent and temporary workmen is not permissible. There is no restriction in law for recruitment of workmen as daily wages.

Supreme Court of India – Umralla Gram Panchayat Vs. The Secretary, Municipal Employees’ Union & Others – 2015 – II LLJ – 403 (SC)

Compensation / damages pertaining to an accident resulting into injuries or death to a member of the ESI Scheme during course of employment and arising out of employment will be payable only under ESI Act and not any other Act

Supreme Court of India – Dhropadabai & Others Vs.M/s.Technocraft Toolings – 2015 – LLR 457

In the interest of justice and for the benefit of the workers, the court is of the considered view that it would be just and proper to condone the delay of 3 years

High Court of Madras – Rambal Limited Vs.Dy.Commissioner of Labour – II – Authority under the Minimum Wages Act – 2015 – II – LL J – 353 (Mad)

If the workman has completed 240 working days’ continuous service, irrespective of his being casual, temporary, on contract basis or through contractor, during the proceeding 12 months, termination of his services would require compliance of section 25F and other applicable provisions of the Industrial Dispute Act, 1947.

Punjab & Haryana High Court – 2015 – I – LLN 258

By Notification dated 03.04.1997, issued by Central Government, the provisions of the Payment of Gratuity Act, 1972 have been extended to all Educational institutions including Universities. Non-Payment of Gratuity amounts to continuing offence by the employer which continues till Gratuity is paid. Demand of employee for payment of Gratuity cannot be barred by time limitation.

Delhi High Court – University of Delhi Vs.Tahel Ram Bellani and Others – 2015 – LLR – 555

Contract Labour system is sham when wages are paid by the principal employer and exercising of control over the workmen with supervision and wage register maintained by the principal employer.

Allahabad High Court – 2015 – LLR – 505

The period of limitation of 60 days is to be counted from the date of receipt or knowledge of the order and not from the date of the order since the law has been settled by the court including the Supreme Court of India that the expression “date of order” as given in section 45AA of the Act, would mean actual or constructive knowledge of the order.

Bombay High Court – 2015 – LLR 492



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

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