



**EDITORIAL
BOARD**

S.S.Madhavan, M.A., MBA. BL.,
R.R.Ravindran. M.A.. MBA., BL.,
P. Nehru, B.Sc., B.L.,

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V & M Associates is a full service Law Firm with offices at Chennai, Bombay and associate Lawyers in most of major cites of the country. The main office of the Firm is in Chennai, conveniently located close to the International & Domestic Airport and it is easily accessible from all parts of the City.

The Partners and members of the Firm are senior professionals with several years of experience behind them. Some of our senior founding partners rendered their services in the Capacity of Regulating Authorities with judiciary powers for state & Federal Government. The practicing team is supported by the Economic Legislative Experts like Chartered Accountants, Company Secretaries, & Management Cost Accountants, besides has the team of able assisting trained Para legal workforce. They bring the highest level of professional service to clients along with the traditions of the profession, integrity and undisputed ethical practices. Members of the Firm are in absolute alignment with the work-culture of Global Law firms as well as with an ability of meeting the expectations of large corporate clients. The Firm has amongst its client's multi nationals, Industrial Houses with huge workforce, Information Technology companies, Leading Software Houses, ITES Companies and most admired leading Indian corporations.

V & M Associates has developed a high specialization in the field of Legal & Management Business Advisory services, providing *360 degree of scale with the 3 Dimensional approaches* on client centric customized, consulting services of to all kind of Corporate Houses. Our **Corporate Law Services** is a team of highly qualified and experienced lawyers, who offer effective services to our clients by combining broad knowledge of corporate law matters with experience in key sub disciplines, with the ability to identify potential issues and develop real-time, practical solutions to a wide variety of client concerns.





DECIDE 2016

The Financial Year commences with a mandate for the “majors” of many states in our country, to decide who will govern them for a period of five more years. Be it East or West or South the approach of the political parties remain the same. Strange alliances between the parties, mushroom bonding of regional parties, erupting radical thinkers, blame game or some performance score cards.

None of them make it impressive or in align with the reality to address the need of majority in this country, still they uphold their pride of their founders, philosophers and current leaders and continue to celebrate or appreciate each other. It is also found some breakaway groups, both auto breaking or planned breaking, returning back to parent parties, sudden discovery of loss of faith on the current leadership what not.....

Despite the unpredictable and at time the most unwelcome acceptance, all the parties are ready , with their KRAs, Pattern of Scoring over others, and the Goal Sheets in the form of| Poll cards through inclusive reenergising model and an high order adoptability to new dynamics in the name of alliances. Besides it is also to be noted that their ability to make use of tech enabled devices and work towards an assurance of improved performance.

As we all know the described population is highly heterogamous in nature and the mentioned transactions are illustrative and definitely not from the high holy platform. When they can make such alignment in the name of noble cause and PERFOM towards their goals.. WHY NOT WE? ..

We are from a Homogenous family governed by one principle, with uniform regulations and towards one objective of achieving the Goal of the organisation. If we all agree with this statement that what is an issue for us to **VOTE FOR PERFORMERS** and decide our mandate for the current year.

Let’s decide now that every performance towards the objective of the organisation and every performer matters for the company. The Managerial team shall role out a Dedicated Performance Policy to chart the new choice for Performance Management System,(PMS), and design the scheme for rewards and plan for defaulters both in Core and also in non-core areas.

It is an appeal to all members are our system that all of you eligible to register their voice for performance and vote for the performers and keep this call top & final priority for importance of Performance Realisation.

We at **V & M Associates designed** an highly customised “Performance Diagnostic Kits” to suit your needs with a Dedicated Performance Help Line – FY 2016 to avoid the show of “Performance Appraisals”(PA) truing to “Performance Autopsies” (PA) during the end of FY.

Wish you all a very profitable high performing FY 2016-2017

Editor in chief

Recent Labour Law Scenarios

Government to Fund Private Guard Training

The Home Minister advised the officials to take appropriate steps for training facilities for private security guards and finalisation of Standard Operating Procedure for Cash Handling. The Private Security Agencies (Regulation) Act, 2005, makes it mandatory for every guard to undergo at least 160 hours of training – 100 hours of class room learning and 60 hours of on the job training.



Shops and Establishments Law to be Simplified

Based on the presentation of Union Budget by Finance Minister Mr.ArunJaitley, he referred to the need for simplification of regulations pertaining to the retail industry so as to allow small and medium shops to remain open on all seven days and to bring in a more comprehensive, modern-law that is more in tune with the present day and age.

Comprising 44 Labour Laws

44 Labour Laws are being consolidated into 4 labour codes of which two had been finalised and the other two were underway. The two codes on social security and working conditions will be finalised in a month. At present, minimum wages vary across the country as states fix these for different categories of workers in various sectors. Once the Wage Code Bill is enforced into an Act, the Centre will have the power to fix a National Benchmark for minimum wage for workers that States will have to comply with. However, States will be free to fix higher wages.





AMENDMENTS

MINISTRY OF LABOUR AND EMPLOYMENT

NOTIFICATION

New Delhi, the 30th March, 2016

G.S.R. 368(E).—The following draft of certain rules further to amend the Contract Labour (Regulation and Abolition) Central Rules, 1971, which the Central Government proposes to make, in exercise of the powers conferred by section 35 of the Contract Labour (Regulation and Abolition) Act, 1970 (37 of 1970), is hereby published as required by sub-section (1) of the said section, for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft rules will be taken into consideration after the expiry of a period of thirty days from the date on which the copies of the Official Gazette in which this notification is published are made available to the public;

Objections or suggestions, if any, may be addressed to the Joint Secretary to the Government of India-cum-Director General (Labour Welfare), Jaisalmer House, 26, Mansingh Road, New Delhi-110011;

The objections and suggestions, which may be received from any person with respect to the said draft rules before the expiry of the period specified above, will be considered by the Central Government.

DRAFT RULES

1. (1) These rules may be called the Contract Labour (Regulation and Abolition) Central (Amendment) Rules, 2016.
- (2) They shall come into force on the date of their publication in the Official Gazette.
2. In the Contract Labour (Regulation and Abolition) Central Rules, 1971, in rule 25, in sub-rule (2), for clause (iv), the following clause shall be substituted, namely:—
 - "(iv) the rates of wages payable to workmen by the contractor shall not be less than—
 - (a) the rates prescribed under the Minimum Wages Act, 1948 (11 of 1948) for such employment where applicable; or
 - (b) the rates, if any, fixed by agreement, settlement or award; or
 - (c) ten thousand rupees,
 whichever is higher."

[No. S-16016/21/2016-LW (A)]

BIPIN MALLICK, Jt. Secy.

Note:- The Contract Labour (Regulation and Abolition) Central Rules, 1971 was published in the Gazette of India, Extraordinary, Part II, section 3, sub-section (i) vide notification number G.S.R. 191, dated the 10th February, 1971 and lastly amended vide notification number G.S.R. 41(E), dated the 21st January, 1999.

Uploaded by Dte. of Printing at Government of India Press, Ring Road, Mayapuri, New Delhi-110064
and Published by the Controller of Publications, Delhi-110054.

The provisions of sections 25G and 25-H are applicable to workmen, whether or not they have completed 240 days of service

2016 LLR 98SHORT NOTE
MADHYA PRADESH HIGH COURT
Hon'ble Mr. Sujoy Paul, J.
W.P. Nos. 5132, 1734, 1900, 1899, 1777 and 1741/2012,
D/-15-7-2015
Narayan Das
vs.
State of M.P. and Others

A. INDUSTRIAL DISPUTES ACT, 1947 – Sections 25N, 25F, 25G and 25H – Termination – Interfered with by Labour Court by award – On ground of not following the requirement of section 25F of Act – However, action of department is in accordance with provisions of Act – If they are following the requirement of section 25F – It cannot be said that it amounts to unfair labour practice – And the respondents are required to ensure that no retrenchment takes place on violation of section 25G read with Rule 76 of Rules – In the circumstances, petitioner is directed to submit a representation along with seniority list, which will be decided before implementing the impugned order terminating the service.

B. Industrial Disputes Act, 1947 – Section 25F(a) and (b) and 25F(C) – Notice – One month's notice as per section 25F(a) – Fulfils the requirement of section 25F(a) and (b) – If on expiry of period petitioners' services are terminated – Without paying retrenchment compensation – Interference can be made – Clause (c) of section 25F is directory – Violation of sub-clause (c) Will not render the impugned notice as illegal.

C. INDUSTRIAL DISPUTES ACT, 1947 – Section 25N and 25L – Scope of – Section 25N is applicable to workman employed in any “industrial establishment” to which Chapter VB applies
For Petitioners: Mr. K.N. Gupta and Mr. M.S. Rana, Advocates.
For Respondents/State: Mrs. Sangeeta Pachori, G.A.

IMPORTANT POINTS

- If the action of the department is in accordance with the provisions of the Industrial Disputes Act, 1947 including section 25F of the Act, it cannot be said that it amounts to unfair labour practice.
- The provisions of sections 25G and 25-H are applicable to workmen, whether or not they have completed 240 days of service.
- If services of workmen are terminated without paying retrenchment compensation, it would be illegal.
- Notice by employer directing retrenched employees to collect retrenchment compensation from Divisional Office but employees fail to do so, it would establish that employer has made sufficient compliance of Clause (b) of section 25F of the Act.
- Violation of sub-clause (c) of section 25F of the Act will not render the impugned notice as illegal.

-2015 (147) FLR 290


EMPLOYEES' PROVIDENT FUND ORGANISATION

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

मुख्य कार्यालय / Head Office

भविष्य निधि भवन, 14-भिकजी कामा प्लेस, नई दिल्ली-110 066.

Bhavishya Nidhi Bhawan, 14, Bhikaji Cama Place, New Delhi - 110 066.

No. C-HI/110001/4/3(71)MIS.C/2013/DI/Vol II/

Date:-08.02.2016

To ,

 All Additional CPFCs
 All Regional PF Commissioners
 All Assistant PF Commissioners

Sub: Guidelines for Quasi-judicial proceedings under Section 7A of the Employees Provident Funds & Miscellaneous Provisions Act 1952-regarding.

Madam/Sir,

In continuation of Head Office Circular No.7 (1)2012/RCs R M dated 06.08.2014 on the above subject, the following instructions for conducting Quasi-judicial proceedings under Section 7A are being issued.

The Executive Committee, CBT, EPF in its 82nd meeting held on 20th August, 2015 had directed to place the report of Committee constituted to examine and identify the technical reasons where the Hon'ble Courts have passed orders against the EPFO and suggest necessary corrective/remedial measures. A Committee constituted for the purpose consisting of senior officers has broadly identified the following two reasons related to Compliance regarding procedure to be adopted while conducting 7A enquiry which lead to the adverse decision against the Department:

- i. Denial of natural justice:
- ii. Order passed by the adjudicating authority without proper justification -

Hence the authorized officers conducting the 7A inquiry are advised to strictly adhere to the following norms of conducting 7A enquiry under the EPF & MP Act, 1952:-

- a) Whenever a 7A inquiry is initiated, the basis for initiation of 7A inquiry such as EO's reports etc must be served to the establishment/employer.
- b) It must be ensured that 7A notice with enclosures is served on proper person and acknowledgment is kept on record. The service of notice must also be mentioned in the 7A order.

- c) The principals of natural justice must be adhered to during the course of 7A proceeding and the employer must be allowed reasonable opportunity to represent their case.
- d) While determining dues under Section 7A, the basis of calculation of dues must be spelt out in the speaking order passed under Section 7A.
- e). Assessing Authority/Officer must pass speaking order so that the orders do not suffer from any procedural infirmity. Speaking Order includes discussion of evidence of both the parties and reason for arriving at the finding.

(This issues with the approval of Central PF Commissioner)

Yours faithfully

Narayan
8/2/16

(M.Narayanappa)
Additional Central PF Commissioners-I
(Compliance)

बागी किया
ISSUED



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

Central Analysis & Intelligence Unit

NO. CAIU/011(32)2016/Banking

Dated: 30.03.2016

To

12964

30 MAR 2016

All Addl. CPFC (Zones),
 All RPFCs (In-Charge of RO/SRO).

Sub: Coverage of Banks-regarding;
 Sir,

In exercise of the powers conferred by clause (b) of Sub-Section (3) of Section 1 read with Section 16 of the EPF & MP Act, 1952 the Central Government has notified that the Act shall apply to all banks employing 20 and more number of persons as a class of establishment in respect of those employees who are not entitled to the benefit of Contributory Provident Fund or old age pension in accordance with any Scheme or rule framed by the Central Government or the State Government or by the respective banks established under the Banking Regulations Act, 1949 (10 of 1949). In this regard the Notification issued by Ministry of Labour & Employment having number S.O. 444 (E) issued on 10th Feb., 2016 is enclosed. As such all banks shall be covered from the date of notification i.e. 10.02.2016. It is clarified that this notification shall cover all employees as per definition under Section 2(f) of EPF & MP Act, 1952 excluding the employees who are getting benefits of PF and Pension according to rules of concerned banks.

In view of the above, it is requested to take required steps to cover such establishments. A proactive approach may be adopted and the establishments be provided guidance and help in completing the registration formalities. The establishments may be guided about provisions of the Act and Schemes and the responsibilities of the employers. The allotment of UANs to the employees covered, their activation and seeding with KYC norms be ensured simultaneously.

Yours faithfully

Encl.: As above

(M. Narayanappa)
 ACC-I (Compliance & CAIU)

Copy to:-

Government rolls back new EPF withdrawal norms and old system will continue. The notification which was issued on 10th Feb, 2016 has been cancelled



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

No: Coord/3(1)2015/Amendment Scheme

Date: 19-Apr-16

To,

All ACCs (Zones)
All RPFC/OICs of ROs/SROs

Subject: Gazette Notification No.GSR. 158(E) dated 10th February, 2016 for amendment in paragraph 68-NN, 68-O and 69 and introduction of new paragraph 68-NNNN in EPF Scheme, 1952 - Reg

Sir/Madam,

Please find enclosed herewith the letter No.S-35012/5/2015-SS.II dated 19.04.2016 on the subject cited above.

2. The competent authority has decided to withdraw the said notification dated 10.02.2016.

Encl: As above

Yours faithfully,

M. Narayanappa
17/4/16

(M.Narayanappa)
Additional Central Provident Fund Commissioner

Guide to Shram Suvidha Portal

Establishment Registration

This document provides the instructions for registration of establishment at Shram Suvidha Portal (USSP). By registering establishments at USSP they become LIN certified inspectable units. Establishment Owner/Representative can know the applicable Labour laws and file annual return for various Labour acts.

Establishment Owner/Representative

The establishment representative need to register himself at USSP through 'Create Shram Suvidha Account' link at Home page.

Once the representative is registered at USSP he shall login the portal to access the establishment represented by him at establishment dashboard.

The user may search LIN through 'know your LIN' option provided at Portal main page.

- If establishments LIN already exist, user needs to link the LIN with establishment through 'LINK Establishment' option at UWP dashboard.
- If no LIN exist user must create owned/represented establishments and request LIN from them through 'Establishment' option at UWP dashboard.

ASSOCIATED ENFORCEMENT AGENCIES:

- 1 Office of the Chief Labour Commissioner (Central)
- 2 Directorate General of Mines and Safety.
- 3 Employees' State Insurance Corporation.
- 4 Employees' Provident Fund Organization.

General Guidelines

The registration form for establishment can be accessed through 'ADD' option at establishment dashboard. You shall require internet connection for filling and submitting the completed form on Shram Suvidha portal.

As you progress submitting the form, system helps you to check if there are any errors in the data that you have entered. In case of errors, the form will show an error message and a mark will be shown above the respective field. You may correct the data and submit the form once again to clear the error.

All the fields in the form have a help text associated with them to ease out data filling. Please hover the mouse pointer over the fields to reveal the tool tip which will contain information about type of data to be filled-in as well as valid set of data for the field.

Field marked with * are mandatory and needs to be filled in before a form can be submitted on Shram Suvidha portal. You may not be able to leave some of the field's blank in the e-Form. In case you wish not to enter data in a field, please input "NA" if it is a text/description field or a 0, if it is a numeric field.

Instructions to Fill Establishment Form

Please ensure that your Establishment is not already registered with Shram Suvidha Portal. If establishment is already registered, then Link Establishment option to link with your Account.

- I. Enter Establishment Name. This field is mandatory to be filled in.
- II. Enter the establishment address details. Address line1, state, district and pin code are mandatory for address.
- III. Specify establishment contact person details (option is provided to add multiple people):

Guide to Shram Suvidha Portal

- Enter name of person (first name, middle name and last name), email id, mobile number.
- IV. Enter contact details of establishment giving information about email id, landline number (with STD codes), and mobile number. You can specify multiple contacts by using + button to add more fields. Similarly, if you want to remove a contact, you may use –button.
 - V. If registered with EPFO and ESIC provide their number.
 - VI. Enter CIN number.
 - VII. Enter Central Sales Tax (CST) Number.
 - VIII. If you are registered with DGMS provide the Mine Code.
 - IX. Specify registered phone number and this is mandatory field.
 - X. Select the NIC Code from drop down list.
 - XI. Enter the establishment set-up date.
 - XII. Enter the coverage date.
 - XIII. Indicate the establishment PAN Number.
 - XIV. Select the radio button "YES" to specify establishment is Factory. Select "No" if not factory.
If option "YES" is selected, owner details are mandatory in Contact Persons field.
 - XV. Select radio button, "YES" to indicate establishment is involved in Hazardous activity. Select "NO" to specify otherwise.
 - XVI. Select radio button, "YES" to indicate establishment is seasonal. Select "NO" to specify otherwise.
 - XVII. Enter the number of works on contract (male, female) and regular (male, female) both.
 - XVIII. Enter website URL if any.
 - XIX. Briefly describe details about establishment.

Representative submits the complete form. After form submission LIN request will be processed for establishment.

ACTIVITIES AT SHRAM SUVIDHA:

- 1 Register into Shram Suvidha.
- 2 Add represented Establishments.
- 3 Apply for LIN.
- 4 Employees' Provident Fund Organization.
- 5 Link Establishment with LIN.
- 6 File Annual Return for CLC(c) and DGMS.
- 7 View Inspection Report.
- 8 File Monthly Common Return for EPFO and ESIC.

Circular No TN 37/ 2015-2016

30th March 2016

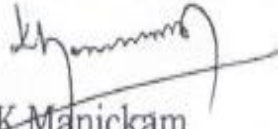
To

Members in Tamil Nadu

**SUB: Draft Amendment to the Inter- State Migrant workmen
(Regulation of Employment and Condition of Service)
Tamil Nadu Rules 1983**

We are enclose herewith the draft notification No G.O.No:91, Labour and Employment (K2) dated 3rd March 2016 published in Tamil Nadu Government Gazette Part III- sec 1(a) dated 30th March 2016, for your information. Any objection or suggestion to the draft rules have to be sent to the Government of Tamil Nadu before the expiry of one month from the date of publication through the commissioner of labour, Chennai. for consideration

If members have any objection or suggestion may please send the same to us on before 20th April 2016 to enable us to submit our objections/ suggestion within the stipulated time


K. Manickam
Secretary General

NOTIFICATIONS BY GOVERNMENT

LABOUR AND EMPLOYMENT DEPARTMENT

Draft Amendment to the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service)
(Tamil Nadu) Rules, 1983.

[G.O. Ms. No. 91, Labour and Employment (K2), 3rd March 2016, ஸாதி 20, ஸம்மத, திருவள்ளூர் ஆண்டு-2017.]

No. SRO A-7/2016.—The following draft amendment to the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) (Tamil Nadu) Rules, 1983, which it is proposed to make in exercise of the powers conferred by sub-section (1) of Section 35 of the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 (Central Act 30 of 1979) is hereby published as required by the said sub-section (1) of Section 35 of the said Act.

2. Notice is hereby given that the draft amendment, will be taken into consideration on or after the expiry of the period of one month from the date of publication of this Notification in the *Tamil Nadu Government Gazette*. Any objection or suggestion which may be received from any person with respect thereto before the expiry of the aforesaid period will be considered by the Government of Tamil Nadu. Objections or suggestions, if any, should be addressed to the Principal Secretary to Government, Labour and Employment Department, Secretariat, Chennai-600 009, through the Commissioner of Labour, Chennai - 600 006.

DRAFT AMENDMENT

In the said rules, for FORM XIII the following FORM shall be substituted, namely:-
"INTER-STATE MIGRANT WORKMEN (Tamil Nadu) RULES, 1983

FORM XIII

(See rule 49)

Register of workmen employed by Contractor

Name and address of Contractor.

Name and address of the establishment.

Name and address of establishment in / under which migrant workmen are employed.

Name and address of Principal Employer.

Serial Number.	Name and Surname of migrant workman.	Age and Sex.	Father's/Husband's name.	Nature of employment.	Permanent home address of migrant workmen (Village and Tahsil, Taluk and District).	Local address.	Date of commencement of employment.	Signature or thumb-impresion of migrant workman.	Date of termination of employment.	Reasons for termination.	Remarks.	Photograph of the workman
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)

Signature of Contractor or his
authorised representative.

General Elections to Tamil Nadu Legislative Assembly 2016 - Declaration of the poll day 16.05.2016 as Public Holiday

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GOVERNMENT OF TAMIL NADU
2016



MANUSCRIPT SERIES

ABSTRACT

Holidays – Public Holiday – General Elections to Tamil Nadu Legislative Assembly 2016 – Declaration of the poll day 16.05.2016 as Public Holiday – Notified.

PUBLIC (MISCELLANEOUS) DEPARTMENT

G.O.Ms.No.407

Dated:22.04.2016

Thunmuki, Chithirai –9

Tiruvalluvar Andu 2047

Read:

ORDER:

The Election Commission of India has notified 16.05.2016 (Monday) as the poll day for the General Elections to Legislative Assembly 2016, in Tamil Nadu. 16.05.2016 (Monday) has to be declared as public holiday under Section 25 of the Negotiable Instruments Act, 1881 (Central Act XXVI of 1881).

2. The following Notification shall be published in an extra-ordinary issue of the Tamil Nadu Government Gazette dated 22.04.2016.

Notification

Under the "Explanation" to Section 25 of the Negotiable Instruments Act, 1881 (Central Act XXVI of 1881) read with the Notification of the Government of India, Ministry of Home Affairs No. 20-25-26 Public-I, dated the 8th June 1957, the Governor of Tamil Nadu hereby declares Monday, the 16th May 2016, the date on which the poll for the General Elections to Legislative Assembly, 2016 will take place in Tamil Nadu, to be a public holiday.

(By Order of the Governor)

K.GNANADESIKAN
CHIEF SECRETARY TO GOVERNMENT

CASE LAW UPDATE



Gratuity cannot be denied even if employee does not claim for past service. When there is no order or proceeding for forfeiture of amount of Gratuity, an employer cannot withhold the Gratuity sum. Gratuity being a valuable right and its disbursement has to be made without any delay whatsoever.

Madras High Court – Tamil Nadu Co-operative Milk Producers Federation Ltd Vs. JCL,

If lump sum amount is paid towards “Basic wages” the employees would be deemed to be on duty to avail the benefits of the Act. An employer is liable to pay contributions under the provisions of the Act not only towards its share but that of the employees, irrespective of non-deducting the employees’ share.

Delhi High Court – Oswal Petrochemicals Vs. Union of India & others – 2016 – LLR 345

School will be an industry under ID Act. Reinstatement to the workmen having worked for more than 240 days who were not paid retrenchment compensation and one month notice pay at the time of their termination has been rightly awarded by the Labour Court and the High Court upheld the Award.

Karnataka High Court – The Principal, Government I.T.I., Kollegal Vs. Hema Kumar & Others – 2016 LLR 360

Workman can choose the Court / Forum to sue the employer. Territorial Jurisdiction in challenging termination by an employee whose services have been terminated at Pondicherry on closure of the Plant, can approach the Labour Court at Aurangabad wherein he was appointed and also the registered office of the company was situated and, as such, the cause of action has also arisen at Aurangabad wherefrom the decision to termination of the appellant was taken.

Supreme Court of India – Nandram Vs. Garware Polystar Limited – 2016 LLR 337

If residential accommodation is not a condition of service, employees would not have any right to continue in the employer’s premises. In the event of violation of terms of lease no third party other than the lesser and the lessee will have locus standi to protest.

Supreme Court of India – Suresh Narayanan Kadam & others Vs. Central Bank of India & others – 2016 – LLR 425-

The Management of the club will be liable to pay contributions of the casual employees and for the past employees even when no benefits have been derived by the employees. The ESI Act is welfare legislation and is required to be interpreted so as to ensure extension of benefits to the employees and not to deprive them of the same which are available under the Act.

Supreme Court of India – Royal Western India Turf Club Ltd Vs. ESI Corporation & Others – 2016 – LLR 437



COMPLIANCE CHECKLIST

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

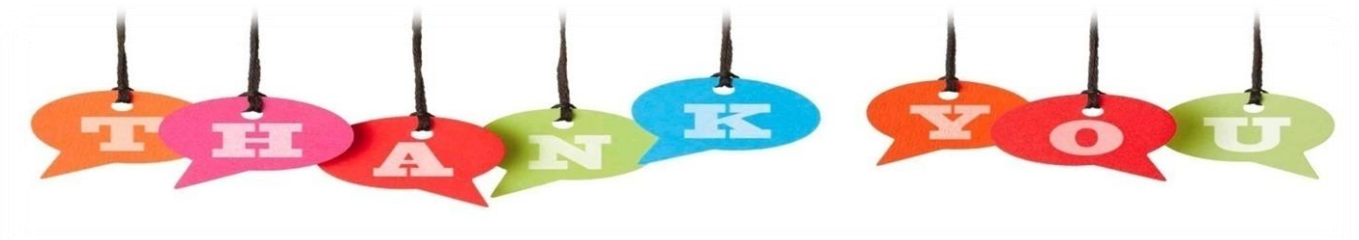
23	MA.NO.BO	ONGOING	Abstract of the Maternity Benefit Act – FORM - J
24	S & E Act	ONGOING	Notice of Daily Hours of Work, Rest Interval Weekly Holiday – FORM - S
25	GRA. NO. BO	ONGOING	Abstract of the Gratuity Act – FORM - U
26	P.W.NO.BO	ONGOING	Abstract of the Payment of Wages Act - FORM - V
27	M.W. 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

Quarterly Return [Due Date – 30th Apr 2016]

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

Disclaimer

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