



**ONETEAM DIVERSIFIED
ACTIVITIES**

Editorail Board

S.S.MADHAVAN, M.A., MBA., BL.,

R.R.RAVINDARAN, M.A., MBA., BL.,

P.NEHRU, B.SC., BL.,



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About Us



V & M Associates is a full service Law Firm with offices at Chennai, Bombay and associate Lawyers in most of major cities 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.

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From the *desk* of the *Editor*

Learning from ***Demonetization***:

At the time of writing this editorial, the Indian markets have fallen a bit more than other emerging markets in Asia. The S&P BSE Sensex is down 3.8%, which is more than more or less all other Asian emerging markets, Despite the victory of Donald Trump is keeping markets on the edge worldwide.

The extra fall in the Indian markets compared to others could be due to many factors, including high valuations, but it's very likely that the demonetization effect is mainly responsible for the fall.

Besides it is also to be noted that the act of the Government has been criticized, vehemently opposed, caused confusions and pushed the country men in too deep concerns still such administrative anomalies continue.

There is a lesson to all practicing managers to be learnt from the best part of Demonetization and the worst hit administrative part.

Demonetization is the act of stripping a currency unit of its status as legal tender. The old unit of currency must be retired and replaced with a new currency unit.

As it is being referred as "surgical strike" to eliminate the major pull factors of growth economy, we as practicing managers should really strip out the non-performers and retire them with new replacement or extend the final opportunity to exchange with new norms of working.

We at **V & M Associates** designed the professional help desk for “non-performers’ surgical strike” with an absolute legal remedial measures and look forward to assist...

Happy Reading !!!!



RECENT NEWS

Workers can opt for Insurance plans other than ESI

At present employees drawing salary of Rs.21,000 per month were covered under the ESIC.

The Labour Ministry is planning to send a bill to the Union Cabinet to amend the ESIC Act 1948, to facilitate the beneficiaries of the ESI to opt for health insurance products available in the market. The Labour Ministry 's move is in line with the announcement made by Finance Minister in his Budget Speech to provide an option to workers covered under ESI scheme to health Insurance products recognized by the IRDA. But Trade Unions had opposed the proposed amendment. The Union had asked the Labour Ministry to ensure the availability of health insurance products in the market, which can match the benefits provided under the ESI scheme. The bill is, however not approved by the Union Cabinet so far.

EPF NEWS

Introduction of Declaration Form (New Form No.11) to replace existing Form No.11 (New) - It is now possible for subscribers, who have activated UAN with KYC details, to submit claims directly to EPFO without the intervention of employers. The Employees / Employers can access fill able Declaration Form (New Form No.11) on the member portal which will be pre-filled with all the relevant information already in our database.

The Employees' Provident Fund Organization (EPFO) has written to the Centre demanding a higher wage ceiling of Rs.25, 000 per month for its social security schemes raising the possibility of more workers being added to the provident fund pool. All employees earning salary of up to Rs.25, 000 per month will be eligible to receive provident fund savings. At present, EPF is optional for workers earning more than Rs.15, 000 per month.

“It was (unanimously) decided that a proposal should be sent immediately to the Central Government to increase the wage ceiling under EPF & MP Act, 1952 and Schemes framed there under to Rs 25,000 per month,” according to the minutes of the meeting of EPFO's sub-committee on contract workers, held on November 7.

Trade union leaders, who were a part of the EPF committee, argued that “even in the Seventh Pay Commission, the minimum wage was Rs.18,000 per month which might be further increased as the trade unions had been demanding a higher minimum wage of at least Rs.21,000-Rs.22,000.” “As the minimum wage itself had become more than the existing wage ceiling of Rs.15,000 per month for EPFO, it was high time that wage ceiling in EPFO be also increased,” Hind Mazdoor Sabha's A.D. Nagpal said.



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, भीकाजी कामा प्लेस, नई दिल्ली - 110 066.

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For Web Circulation Only

No. WSU/27(1)2015/68NNNN/29936-39

Date: 18.11.2016

To

21 NOV 2016

All ACC (Zones)
All RPFCS/Officer-in-Charge
Regional/Sub-Regional Offices

Subject: Amendments in Paragraph 72(6) of EPF Scheme, 1952.

Sir/Madam,

Please find enclosed copy of Gazette notification No. G.S.R.1065(E) dated 11th November, 2016 on amendments in paragraph 72(6) of EPF Scheme, 1952.

2. The amended provisions of paragraph 72(6) of EPF Scheme, 1952 shall come into force from the date of its publication in the Official Gazette - 11th November, 2016.

Encl: As above

Yours faithfully,

Sanjay
(Sanjay Kumar)
RPF-C-I (F&A)

MINISTRY OF LABOUR AND EMPLOYMENT

NOTIFICATION

New Delhi, the 11th November, 2016

G.S.R.1065(E).—In exercise of the powers conferred by section 5 read with sub-section (1) of section 7 of Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), 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 (Sixth Amendment) Scheme, 2016.
(2) It shall come into effect from the date of its publication in the Official Gazette.
2. In the Employees' Provident Funds Scheme, 1952, in paragraph 72, in sub-paragraph (6),-
 - (a) for the words "ceased to be employed", the words "retired from service after attaining age of fifty-five years or migrated abroad permanently" shall be substituted;
 - (b) the words "or transfer, as the case may be" shall be omitted;
 - (c) after the proviso, the following new proviso shall be inserted, namely:-

"Provided further that if any amount becoming due to a member, as a result of supplementary contributions on account of litigation or default by the establishment or a claim which has been settled but is received back undelivered not attributable to the member, shall not be transferred to the inoperative account."

[F. No. G-20031/1/2016-SS-II]

R. K. GUPTA, Jt. Secy.

Note: The Employees' Provident Funds Scheme, 1952 was published in the Gazette of India, Part II, Section 3, Sub section (i) vide notification number S.R.O. 1509 dated the 2nd September, 1952 and was lastly amended vide notification number G.S.R. 1035 (E) dated 2nd November, 2016.



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

No. CAIU/011(27)2016/KYC

Date: 21.11.2016

To

21 NOV 2016

All Additional Central P.F. Commissioner (Zones)
All Regional P.F. Commissioner-In-charge of ROs/SROs

Sub:-Seeding of Aadhaar number in the UAN database of EPF members - regarding.

Madam/Sir,

It is noted that under the implemented Universal Account Number (UAN) programme, the seeding of Aadhaar number in the UAN database of EPF members is very low (just 23% up to 25.10.2016). At present for 7.95 crores UAN issued by EPFO only around 1.82 crores Aadhaar numbers of members have been uploaded and approximately 1.5 crores Aadhaar numbers of members have been digitally verified by the employers.

It needs to be emphasized that to identify the member across his different employments, the Universal Account Number (UAN) database of members has to be seeded with his KYC details. The Aadhaar number issued by UIDAI is one of the important KYCs being seeded to extend a number of direct services to the member.

At PRAGATI Meeting dated 24/08/16, it was pointed out that seeding of Aadhaar number in the UAN database of EPF members is very low (20%) and OSD(L&E) asked for timelines for completion of Aadhaar Seeding in view of the poor performance. Subsequently, Ministry of Labour & Employment has set the timeline to ensure 100% Aadhaar Seeding in Beneficiary Database by 31/12/2016.

So, field offices may conduct awareness programme regarding benefits of Aadhaar Seeding and are required to take all necessary steps to complete the task of Seeding of Aadhaar within given time frame and monitor the same on daily basis.

Aadhaar Seeding will be monitored on weekly basis at Head Office and the explanation of low progressing offices shall be called.

This is for your information and necessary action.

Yours faithfully,

S C Goyal

(S C Goyal)

Addl. Central P.F. Commissioner-II (CAIU & Compliance)



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, भीकाजी कामा प्लेस, नई दिल्ली-110066
Bhavishya Nidhi Bhawan, 14, Bhikaiji Cama Place, New Delhi – 110 066.

No. HO/IMC/132/Pattern2015/21015

Date: 11.11.2016

To

11 NOV 2016

The all Additional CPFCs
RPFCs In-Charge of RO/SRO, EPF

Subject: Amendment in Gazette Notification of Pattern of Investment 2015 for EPF Exempted Establishments.

Sir,

In continuation of this section letter no. HO/IMC/132/Pattern2015/12937 to 12938 dated 26.06.2015 (placed at S.No.208 under office order/circular segment of EPFO website for the year 2015-16), it is informed that an amendment has been notified by the Ministry of Labour & Employment, Govt. of India vide S.O. no. 3035(E) dated 22.09.2016, a copy of the same is enclosed.

It is requested to bring it to the notice of all exempted establishment under your jurisdiction.

[This issues with the approval of ACC-I (IMC)]

Encl:- As above

Yours faithfully,


(Sunil Kumar Yadav)

Regional P.F. Commissioner-II (IMC)

MINISTRY OF LABOUR AND EMPLOYMENT

NOTIFICATION

New Delhi, the 22nd September, 2016

S. O. 3035(E).—In exercise of the powers conferred by clause (a) of sub-section (3) of section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government hereby directs to make the following amendment in the notification of the Government of India in the Ministry of Labour and Employment number S.O. 1433(E) dated the 29th May, 2015 published in the Gazette of India, Extraordinary, Part II, section 3, sub-section (ii) dated the 29th May, 2015, namely:—

In the said notification, after the opening paragraph, in the Table, against Category (i) relating to the Category/Sub-Category "Government Securities and Related Investments", for the entries in the third column relating to "Percentage amount to be invested", the following entries shall be substituted with effect from the 17th day of March, 2016, namely:—

"Minimum 45 per cent and up to 65 per cent".

[F. No. G-20031/1/2007-SS-II(Vol-II)]

R. K. GUPTA, Jt. Secy.

Note : The principal notification was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) vide number S.O. 1433(E) dated the 29th May, 2015.

"All the power is within you;
You can do anything and everything.
believe in that;
Don't believe that you are weak,
Stand up and express the divinity
with in you."

Swami vivekananda



Phone No. 26172671
Fax No. :26189910



कर्मचारी भविष्य निधि संगठन
(श्रम एवं रोजगार मंत्रालय, भारत सरकार)
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Bhavishya Nidhi Bhawan, 14, Bhikaiji Cama Place, New Delhi - 110 066.

No. CSD-I/CPGRAMS/Pragati E-Samiksha/2016

Dated: 01.11.2016

All Addl C.P.F.Cs (Zones)
All R.P.F.CS(In Charge) of Regional offices
All R.P.F.CS(In Charge)of Sub-Regional Offices

1289
01 NOV 2016

SUB : PAYMENT OF PF AND PENSION ON THE DATE OF RETIREMENT TO EPF AND EPS MEMBERS - PRAGATI REVIEW MEETING HELD ON 26.10.2016 -reg.

Sir/Madam ,

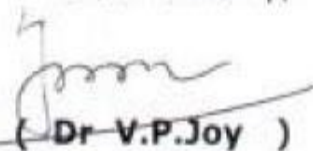
In continuation of instructions issued vide circular of even number dated 31.10.2016 regarding settlement of claims in respect of death cases on priority within seven days and with regard to follow-up measures of PRAGATI review meeting taken by Hon'ble Prime Minister on 26.10.2016 ,it has been decided that PF and pension payments to members of EPF Scheme 1952 and EPS 1995 are made on the date of retirement itself .

In order to provide better and hassle free services to our members the following actions should be taken to facilitate payment of PF and Pension on the date of retirement :-

- **A monthly list of such retiring EPF/EPS members attaining the age of superannuation should be generated three months in advance by concerned RO/SRO and should be communicated to the concerned members and their respective employers .**
- **The employers should be requested to make payment of contributions in advance in respect of such retiring employees one month in advance of the date of their retirement .**
- **A complete set of PF and pension claim forms along with the communication to fill up the forms and submit to the concerned office complete in all respect at least 14 days prior to the date of retirement should be sent to the retiring employees .**
- **The PRO and officials in the Facilitation Centre should be instructed to scrutinise the claim forms received in respect of retirement cases and guide the claimants for submission of all required documents in one attempt only .**

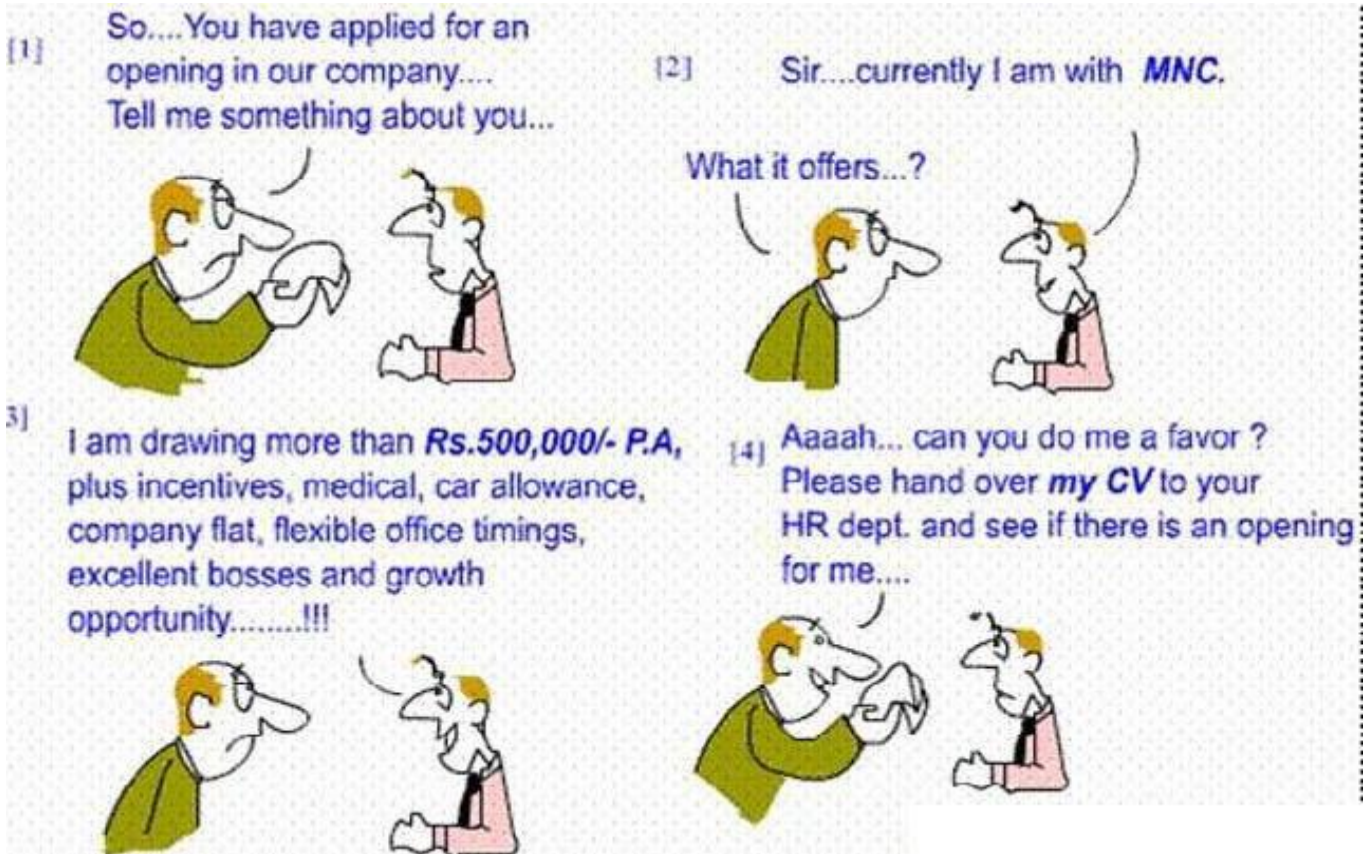
- For this purpose an official trained and deputed in the facilitation centre will receive the retirement claims. Proper display in this regard be made on the seat/counter **"Please contact for Retirement Cases"** in Hindi, Regional Language and English.
- All such retirement claims should be stamped in bold **"Retirement Claims-Top priority "**
- **The PF claim settlement amount must invariably be credited to the member accounts on or before the date of retirement**
- Regarding pension claims, **a copy of PPO should be issued to retiring member on the date of his /her retirement .**
- The Officers-In-Charge of all field offices shall personally monitor the retirement cases on priority and ensure that the above instructions are implemented fully .

Yours faithfully,



(Dr V.P.Joy)

Central P.F.Commissioner



FAX: 011- 26175913



कर्मचारी भविष्य निधि संगठन
Employees' Provident Fund Organisation

श्रम एवं रोजगार मंत्रालय भारत सरकार

Ministry of Labour & Employment, Govt. Of India

मुख्यकार्यलय/Head Office

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

Website : epfindia.gov.in

No. R-I/UAN/2.0/2016

Dated:26.10.2016

To

27 OCT 2016

All Additional Central PF Commissioner's (Political States),
All Regional PF Commissioner's, In-charge of Regions,
All Officer in Charge's, Sub-Regional Offices.

Subject: Next version of UAN and clear the Tasks pending with employers for confirmation of first time employment/previous employment-regarding.

Madam/Sir,

EPFO is in the process of development and implementation of next version of UAN, whereby the Universal Account Number of an EPF member is to be obtained/linked with present employment by the employer before filing the ECR. It is submitted that in the current process, the employer is to declare about the first time employment of member to obtain his new UAN or link the UAN or previous member ID in case the new employee has a previous EPF membership. This happens after the ECR has been submitted by the employer. The system identifies the new member IDs in the present ECR viz-a-viz previous ECR and pushes the same to employer portal for declaration. To sensitize the employers about the next version of UAN, a handout on the silent features of the UAN 2.0 is annexed herewith.

2. It is noted that a large number of tasks are pending with employers for this declaration. The proposed process under UAN 2.0 requires the allotment of UAN upfront and the ECR can be filed only in case of such members where UAN has either been allotted to member or the previous UAN has been linked to his present employment. Presently, the pending tasks with employers are already available to field offices in the dashboard provided through Head Office letter No. R-I/P-20/UAN/2014/364/25554-150 dated 27/11/2014 (placed under Office Orders/ Circulars at S. No. 613 of 2014-15). The detailed process flow is available at www.epfindia.gov.in >>Process Flow for portability & first time employment.

3. It is submitted that the implementation of revised ECR requires that all the contributing members should have UAN, failing which, the employer would not able to remit the dues in respect of these members.

4. Accordingly, it is proposed to convey to the employers through all means to carry out the above activity by 15.11.2016 and clear the pendency.

Yours faithfully,

(Jag Mohan)

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

Copy to: 1. PS to CPFC for CPFC's kind information.

Ministry of Labour & Employment, Government of India**Shram Shakti Bhawan, Rafi Marg, New Delhi – 110 019.**

D.O.Z.-20025/15/2016-LRC

Dated : 09th May, 2016

Dear Dr. Joy,

As you are aware, various labour laws mandate maintenance of voluminous physical registers and documents by enterprises/establishments. In this context, it is observed that digitization of these Registers and other documents has the potential to achieve large productivity improvement, both in terms of simplifying processes and data management as well as improving the ease of monitoring by the labour laws enforcement agencies.

2. In view of this, it has been decided to move towards a regime of online maintenance of registers/records mandated by labour laws, by business/establishments and integrate the same with the ShramSuvidha Portal so that the information is available on real time to both the establishment as well the enforcement authorities. As a first step to move in this direction, it is required to have all registers/documents maintained in digital/electronic form.

3. These registers and records have to be produce/made available to the inspectors/authorities during the inspection of the establishments or on other occasions as per the law. However, section 4 of the Information Technology Act, 2000, provides that “where any law provides that information or any other matter shall be in writing or in the typewritten or printed form, then notwithstanding anything contained in such law, such requirement shall be deemed to have been satisfied if such information or matter is rendered or made available in an electronic form; and accessible so as to be usable for a subsequent reference”. In view of this provision, it has been decided that if any employer/establishment makes available such registers/records in electronic form and accessible to the inspector/authority so as to be usable for a subsequent reference, then that employer/establishment should not be required to produce print/hard copy of these documents.

4. You are requested to issue necessary instructions to your field officers/inspectors to follow this decision. The Ministry may kindly be apprised of the action taken by your organization, in this regard, at the earliest.

Yours sincerely,

(Dheeraj Kumar) Dr. V.P. Joy,
Central Provident Fund Commissioner, EPFO
BhavishyanidhiBhawan,
14, Bhikaji Cama Place
New Delhi – 110 066.

To
All Establishment

Sir,

Employees Provident Fund Organization is implementing several **processes** for providing efficient services to its stakeholders from time to time. As a part of **process**, the following measures are taken during the deliberations **in Pragati meeting with Honorable** Prime Minister.

- ***If Settlement of all Death Claims within a period of 7 days from the date of submission of Claims.***
- ***If Payment of PF and Pension on the date of retirement to EPF and EPS members. If Separate Helpdesk in PRO/Felicitation centre for Pension related matters.***
- ***In order to provide prompt service as indicated above, the employers are requested to adhere to the following instruction.***
- ***If To submit the Death claims from the beneficiaries with all supporting documents so that time delay can be avoided***
- ***If To submit the PF and Pension claims in complete form atleast 14 working days prior to the date of retirement of the member .***
- ***If Instruction regarding filing of Form 10D is given in the following link:***
http://www.epfindia.gov.in/site_docs/PDFs/Downloads_PDFs/Form10D_Instructions_Eng.pdf
- ***If To make payment of Contributions in respect of retiring employees one month in advance from the date of retirement.***

It is once again requested that all the employers to take note of the above points and co-operate with EPFO for prompt service to its stakeholders

Regards
RPFC-II
RO Tambaram

No.TN/SRO-AMB/CASH/Jandhan-A/c/2016-

Date: 31.10.2016

To,

M/s.

Sub: Difficulties in crediting PF account in the accounts of beneficiaries of where bank accounts have been opened in 'Pradhan Mantri Jandhan- Regarding .

Various PF settlement amounts forwarded to the member's Jandhan Bank A/c are being rejected by the bank for the reason that Jandhan Bank A/c has got a credit limit of Rs.1,00,000/- and no transaction, debit/credit, beyond that limit is allowed in this account.

It is been clarified by the Department of Financial Services, Ministry of Finance, Government of India, that those persons who do not have any of the officially valid documents as stipulated by RBI, can open "small accounts" with banks. A "Small Accounts" can be opened on the basis of a self attested photograph and putting her/his signature or thumb print in the presence of an official of the bank. Such accounts have limitation regarding the aggregate credits (not more than Rs. One lakh in a year), aggregate withdrawals (not more than Rs.10,000/- in a month and balance in the accounts (not more than Rs.50000/- at any point of time).

As advised by the Department of Financial Services, MOF, you are requested to advise those EPFO members having Small Accounts to follow "KYC/eKYC", as stipulated by RBI to banks for conversion of their Small Accounts to Basic Savings Bank Deposit Accounts, which has no such limit/restrictions before submitting the claim forms so that return from bank can be avoided alongwith delay in benefit delivery.

©
GOVERNMENT OF TAMIL NADU
2016



MANUSCRIPT SERIES

PUBLIC (MISCELLANEOUS) DEPARTMENT

G.O.Ms.No.893, Dated the 14th November 2016

துன்முுகி, ஐப்பசி - 29

திருவள்ளூர் ஆண்டு 2047

Holidays – Public Holidays under Negotiable Instruments Act, 1881 for the State Government Offices and all Commercial Banks including Co-operative Banks in Tamil Nadu for the year 2017 – Orders issued.

Read:

1. G.O.Ms.No.1325, Public (Misc) Department, dated 30.11.2015.
2. Reserve Bank of India letter reference No. HRMD (Che) / 31 /03.02.091/ 2016-17 dt:04.07.2016.

ORDER:

The Government of Tamil Nadu pass the following orders in regard to the observance of Holidays in the State of Tamil Nadu for the year 2017:-

- (i) **Public Holidays:** The Holidays declared under the Negotiable Instruments Act, 1881 (Central Act XXVI of 1881) indicated in the notification appended to this order will be published in the Tamil Nadu Government Gazette.
- (ii) **Government Holidays:** The Government direct that all the offices under the control of the Government of Tamil Nadu be closed on:-
 - (a) The dates specified in the notification appended to this order (except Annual Closing of Bank Accounts on 01.04.2017)
 - (b) All Saturdays and Sundays in the year 2017.

2. The above notified Public Holidays shall also apply to all State Government Undertakings / Corporations / Boards, etc.

(BY ORDER OF THE GOVERNOR)

P. RAMA MOHANA RAO
CHIEF SECRETARY TO GOVERNMENT

APPENDIX
NOTIFICATION

Under the "Explanation" to section 25 of the Negotiable Instruments Act, 1881 (Central Act XXVI of 1881) read with Notification of the Government of India, Ministry of Home Affairs, No.20-25-26, Public-1, dated the 8th June 1957, the Government of Tamil Nadu hereby declares, that in addition to "Sundays" expressly defined as Public Holidays in the said "Explanation" the following days shall be Public Holidays for the year 2017.

ANNEXURE

Sl.No	Public Holidays	Date	Day
1.	New Year's Day	01.01.2017	Sunday
2.	Pongal	14.01.2017	Saturday
3.	Thiruvalluvar Day	15.01.2017	Sunday
4.	Uzhavar Thirunal	16.01.2017	Monday
5.	Republic Day	26.01.2017	Thursday
6.	Telugu New Year's Day	29.03.2017	Wednesday
7.	*Annual closing of Accounts for Commercial Banks & Co-operative Banks	01.04.2017	Saturday
8.	Mahaveer Jayanthi	09.04.2017	Sunday
9.	Tamil New Year's Day/ Good Friday and Dr. B.R.Ambedkar's Birthday	14.04.2017	Friday
10.	May Day	01.05.2017	Monday
11.	Ramzan (Idu'l Fitr)	26.06.2017	Monday
12.	Krishna Jayanthi	14.08.2017	Monday
13.	Independence Day	15.08.2017	Tuesday
14.	Vinayakar Chathurthi	25.08.2017	Friday
15.	Bakrid	02.09.2017	Saturday

16.	Ayutha Pooja	29.09.2017	Friday
17.	Vijaya Dasami	30.09.2017	Saturday
18.	Muharram	01.10.2017	Sunday
19.	Gandhi Jayanthi	02.10.2017	Monday
20.	Deepavali	18.10.2017	Wednesday
21.	Milad-un-Nabi	01.12.2017	Friday
22.	Christmas	25.12.2017	Monday

* Applicable only to Commercial Banks and Co-operative Banks in Tamil Nadu.

(BY ORDER OF THE GOVERNOR)

**P. RAMA MOHANA RAO
CHIEF SECRETARY TO GOVERNMENT**

//Forwarded/ By order//

[Handwritten Signature]
14/11/16
Section Officer.

[Handwritten Signature]
14/11/2016

CASE LAW UPDATE



On reinstatement, the payment of back-wages is a discretionary and no straight jacket formula can be evolved for automatic grant of back-wages. Reinstatement does not necessarily result in payment of back wages. Entitlement of back wages is to be proved by production of material that the workman remained unemployed during the intervening period.

Supreme Court of India – Mulin Sharma Vs. State of Assam & Others – 2016 – LLR 1125

Keeping in the fact that unit had already been closed, awarding lumpsum compensation in lieu of reinstatement and back-wages is an appropriate relief. While awarding lumpsum compensation, the factors to be taken into consideration includes length of service, nature of post, financial position of the firm, age of the workman, whether the firm is running or already closed etc.,

Supreme Court of India – Punjab Ex.Servicemen Corporation through Chairman-cum-Managing Director Vs. Harinder Singh – 2016 – LLR 1127

An employee will remain on probation till his services are confirmed in writing, in the absence of any contrary stipulation in the appointment letter. Termination of services on account of “unsatisfactory performance” does not amount to reinstatement.

Delhi High Court – Mahinder Singh Vs. Indian Airlines Ltd., - 2016 – LLR 1128

Sunday / Weekly Holidays and National Holidays are to be added to the number of days worked for completion of 240 days. 15 days wages per completed year of service, for calculation of Gratuity ought to be on treating the monthly wages as being paid for 26 working days. An employee is entitled to Gratuity for the period he was in the employment of the employer irrespective of his employment as casual or temporary or regular employee.

Bombay High Court – BabanVs. The Estate Manager, Maharashtra State Farming Corporation Ltd., - 2016 LLR - 1140

Principal Employer is liable to pay compensation to employee engaged through contractor irrespective of his being casual or temporary employee. Principal employer cannot escape its liability towards legally payable dues to the employee engaged through contractor.

Delhi High Court - RajPai Saini Vs. Kamla – 2016 – LLR - 1168

As per Section 3 of the Payment of Bonus Act, 1965 all departments or undertakings or branches shall be treated as part of the same establishment for the purpose of computation of Bonus except where a separate balance sheet and profit and loss accounts are prepared by such departments or undertakings or branches are produced. If the employer fails to produce either the consolidated balance sheet of all the plants or the balance sheet of the plant where the workers are working, the Balance sheet produced by the workers is to be taken into consideration whether the same is acceptable to the employer or not, for the purpose of computation of Bonus.

Punjab and Haryana High Court – Workmen of Punjab State Cooperative Milk Producers Federation Ltd., Vs the Managing Director, Punjab State Cooperative Milk Producers Federation Ltd., - 2016 – LLR - 1171

CASES REFERENCE – EPF APPELLATE TRIBUNAL

Section 7(O) of EPF & MP Act powers to tribunal to waive or reduce condition of pre-deposit for entertaining an appeal

- Interest is segregated now whereas earlier it was included in damages
- Splitting of minimum wages for EPF contributions not illegal
- Prior to 26.09.2008 interest was inclusive of damages for delayed payment of PF dues
- EPF&MP Act would not be applicable if employees working in the establishment are not coverable under the definition of Act
- Damages assessed for the period prior to allotment of code number are not sustainable
- Coverage of personal drivers of executive of a company – to be re-examined
- Appeal filed by suppression of facts not tenable
- Damages assessed for the pre-discovery period not tenable
- PF dues be calculated on the basis of earlier table upto 26.09.2008 and only thereafter on the basis of new table
- EPF authority is not having any legal right to issue direction to the employer for paying EPF contributions according to minimum wages
- Assessment of EPF dues for the period before allotment of PF code - not sustainable
- Calculation of EPF dues - before 26.09.2008 only on the basis of earlier table and thereafter - on the basis of new table
- Assessment of EPF dues in respect of unidentified employees – not sustainable
- An ex-serviceman working on contractual basis is also entitled to the benefit of EPF scheme
- Any order passed without affording opportunity of hearing is not sustainable



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

DUE DATE FOR FILLING OF RETURNS – 31.12.2016

ACT	FREQUENCY	DETAILS
N.F.H.Act	Annual	Submission of Holidays list to Labour Department - Form - V
Bonus Act	Annual	Submission of Bonus Return - Form D
S & E Act	Monthly	Copy of Form -S - for addition and deletion for the month to be send to the office of the Assistant Inspector of Labour and Inspector of Labour

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