

NEWSLETTER

JULY 2017

V&M ASSOCIATES



ONE

TEAM DIVERSIFIED

ACTIVITIES

In This Issue



Service Offered

- ◆ Start -Up Support
- ◆ Labour Law Consulting
- ◆ Court Representations
- ◆ Arbitration
- ◆ Registration Of Establishments
- ◆ Labour Law Audits & Due Diligence Audit
- ◆ Contractors' Compliance Monitoring
- ◆ Handling Of Disciplinary Proceedings
- ◆ Conducting Domestic Enquiry
- ◆ Handling of Union / IR Issues

Editorial Board

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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.

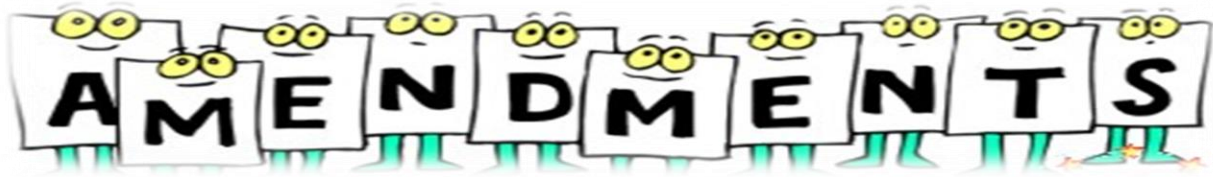
The Partners and members of the Firm are senior professionals with several years of experience behind them. Some of our senior founding partners rendered their services in the Capacity of Regulating Authorities with judiciary powers for state & Federal Government. The practicing team is supported by 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.



Aadhaar enabled online filing of claims Members with activated UAN

<http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/07/Aadhaar-enabled-online-filing-of-claims-memebrs-with-activated-UAN.pdf>

Combined Annual Return under Tamil Nadu Motor Transport workers

<http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/07/Combined-Annual-Return-under-Tamilnadu-Motor-Transport-workers.pdf>

Compliance in respect of multiple units' establishments in EPF Employer Portal

<http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/07/Compliance-in-respect-of-mult-iple-units-establishments.pdf>

Employees Provident Funds Appellate Tribunal (Procedure) Rules, 2017

<http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/07/Employees-Provident-Funds-Appellate-Tribunal-Procedure-Rules2017.pdf>

Inoperative EPF Accounts <http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/07/Inoperative-EPF-Accounts.pdf>

Launch of Transfer Claims under Unified Portal in Member and Employer Interface

<http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/07/Launch-of-Transfer-Claims-under-Unified-Portal-in-Member-and-Employer-Interface.pdf>

Proposed online Proforma for raising Industrial dispute under ID Act

<http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/07/proposed-online-proforma-for-raising-Industrial-dispute-under-ID-Act.pdf>

Smt Maneka Sanjay Gandhi launches Sexual Harassment electronic-Box (SHe-Box) for registering complaints related to sexual harassment at workplace

<http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/07/Smt-Maneka-Sanjay-Gandhi-launches-Sexual-Harassment-electronic-Box-SHe-Box-for-registering-complaints-related-to-sexual-harassment-at-workplace.pdf>



New Case Law



In every case of illegal termination, reinstatement is not automatic or as a straight jacket formula. Instead of reinstatement, a lumpsum compensation is to be granted keeping in view the duration of service the workman had put with the management, circumstances of the management, organizational structure etc.

Supreme Court of India – U.P. State Sugar Corpn. Ltd., VsKaushal Kumar Sinha – 2017 LLR 673

When the enquiry finding conducted by the management / disciplinary, is not challenged, it would be construed that the enquiry is fair and proper. When the enquiry finding is fair and proper, the punishment of dismissal from service for the proved charge of misappropriation is justified since it commensurate with the gravity of misconduct.

Delhi High Court - Canara Bank Vs. Union of India - 2017 LLR 680

An Employer is liable to pay compensation under the Employees' Compensation Act, 1923 if relationship of employer-employee is proved and accident and injuries suffered during the course of employment. An employer is not liable to pay compensation, if the workman was under the influence of liquor / drug, or due to disobedience of the order or rule framed for safety purpose or wilful removal of any safety care at the time of accident.

Madras High Court – Tamil Nadu State Transport Corporation Vs. Sahadevan – 2017 LLR 703

A purchaser who has purchased a part of an establishment, which had gone into liquidation, in public auction, is not liable to pay arrears of EPF contributions to the EPF authority since it is not transfer of establishment as envisaged under Section 17B of the EPF Act and Section 11 of the Act would not be applicable.

Hyderabad High Court – Shivam Smelters P Ltd., Vs. Recovery Officer, EPFO – 2017 LLR 744

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 21st of Succeeding Month
<u>NOTICE BOARD DISPLAY COPY</u>			
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

IMPORTANT ANNOUNCEMENT

QUARTERLY / HALF-YEARLY RETURNS SUBMISSION

IT/ITES & SOFTWARE ESTABLISHMENT – [Due Date – 31st JUL 2017

S.No	Act	Frequency	Principle Employer
1	S & E Act	Half Yearly	Self-Certification Half Yearly Return - Form O
2	S & E Act	As And When	Notice of Daily Hours of Work, Rest Interval Weekly Holiday - Form S
3	Min Wages	Half Yearly	Self-Certification For Minimum Wages - Form XII
4	C.P.S.W.Act	Half Yearly	Annual return /Half yearly - Form 2
5	P.S.A.Act	Half Yearly	Annual return /Half yearly - Form 2
6	M.B.Act	Half Yearly	Self-Certification Half Yearly Return - Form L
7	P.W. Act	Half Yearly	Self-Certification for Payment of Wages - Form VIII
8	GRA.Act	Half Yearly	Self-Certification Half Yearly Return - Form V
9	CLRA Act	Half Yearly	Self-Certification - Half Yearly Return - Form XXX
10	LWF	Quarterly	Register of fines and unpaid accumulation - Form C
11	EE Act	Quarterly	Quarterly Return Form – ER1

Commercial Establishments (Trading & Marketing) – [Due Date – 31st JUL 2017

S.No	Act	Frequency	Principle Employer
1	S & E Act	As And When	Notice of Daily Hours of Work, Rest Interval Weekly Holiday - Form S
2	C.P.S.W.Act	Half Yearly	Annual return /Half yearly - Form No. 2
3	P.S.A.Act	Half Yearly	Annual return /Half yearly - Form 2
4	LWF	Quarterly	Register of fines and unpaid accumulation - Form C
5	EE Act	Quarterly	Quarterly Return Form – ER1

For Factories – [Due Date – 31st JUL 2017

S.No	Act	Frequency	Principle Employer
1	LWF	Quarterly	Register of fines and unpaid accumulation - Form C
2	C.P.S.W.Act	Half Yearly	Annual return /Half yearly - Form No. 2
3	P.S.A.Act	Half Yearly	Annual return /Half yearly - Form 2
4	EE Act	Quarterly	Quarterly Return Form – ER1
5	Fac. Act	Half-Yearly	Half-yearly Return – Form 21

Disclaimer

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