

**EDITORIAL**  
**BOARD**

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Tripura Minimum Wages Notification 11th October 2017 No F.87 (30)-  
LAB/ENF/MW/SHOPS/2002(A)/13828-52

<http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/11/06.Tripura-Minimum-Wages-Notification-11th-October-2017.pdf>.

Release of EPFO functionalities under UMANG app-No.IS/4(1)2017(08-Nov-17)

[http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/11/10.EPFO-functionalities-under-UMANG\\_08.11.2017.pdf](http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/11/10.EPFO-functionalities-under-UMANG_08.11.2017.pdf).

Central Labour Department – Minimum Wages No.M.92(02)2017-C1 (1-Nov-17)

<http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/11/11.CENTRAL-LABOUR-DEPARTMENT-MINIMUM-WAGES-NOTIFICATION-DT-01-10-2017.pdf>.

Annual Return Under Various Labour Laws In Punjab To Be Filed Online

<http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/11/13.Annual-Return-Under-Various-Labour-Laws-In-Punjab-To-Be-Filed-Online.pdf>.

Revised Procedure for Auto-Transfer of Accounts -Functionality in Unified Portal /Application Software No.IS/4(1)2017/2715 (15-Nov-17)

<http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/11/14.-Revised-Transfer-Procedure-for-Auto-Transfer-by-EPFO-Organisation-1.pdf>.

Karnataka - LWF Amendment Notification -RNI No .KARBIL/2001/47147 (01-Apr-17)

<http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/11/16.Karnataka-LWF-amendment-Notification-W-E-f-1st-Apr-2017.pdf>.

Provision of Functionality for Generation e-Form-9 NDC/APPLEDV/2017/13901

<http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/11/7.Generation-of-e-Form-9-By-EPFO.pdf>.

Chandigarh Minimum Wages Notification No.ST(CPI)2017-18/5705 (13-Nov-17)

<http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/11/20.Chandigarh-Minimum-Wages-Notification-Oct-2017.pdf>.

Andhra Pradesh Gazette Notification No .HSE-49/2016 (06-Oct-17)

<http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/11/Andhra-Pradesh-Gazette-Notification-Oct-2017.pdf>.

Haryana - Contract labour Amendment No CHD/0093/2015-2017

<http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/11/23.-Haryana-Contract-labour-Amendment.pdf>.

Pondicherry - Applying & Renewal of Shop Act Registration certificate through Online

<http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/11/24.-Pondycherry-Applying-Renewal-of-Shop-Act-Registration-certificate-through-Online.pdf>.

Gazette Notification regarding Annual Return under Payment of Wages , Maternity & Contract Labour (08-Nov-17)

<http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/11/25.-Gazette-Notification-regarding-Annual-Return-under-Payment-of-Wages-Maternity-Contract-Labour.pdf>.

TamilNadu List of Holidays-2018 G.O.Ms.No.937(07-Nov-17)

<http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/11/09.-Tamilnadu-List-of-Holidays-2018.pdf>.

Karnataka List of Holidays 2018 No DPAR 29 HHL 2017 (14-Nov-17)

<http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/11/15.Holiday-List-2018-Govt-of-Karnataka-.pdf>.

Kerala List of Holidays -KERBIL/2012/45073 (13-Oct-17)

<http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/11/21.-KeralaHoliday-2018.pdf>.

Maharashtra List of Holidays 2018 RNI No.MAHBIL2009/31745(09-Nov-17)

<http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/11/12.MH-Govt.-Holiday-List.pdf>.

Mismatch of UAN with UIDAI Database Regarding By EPFO No R-I/Aadhaar/2014/Vol.II /334/15034 (20-Oct-17)

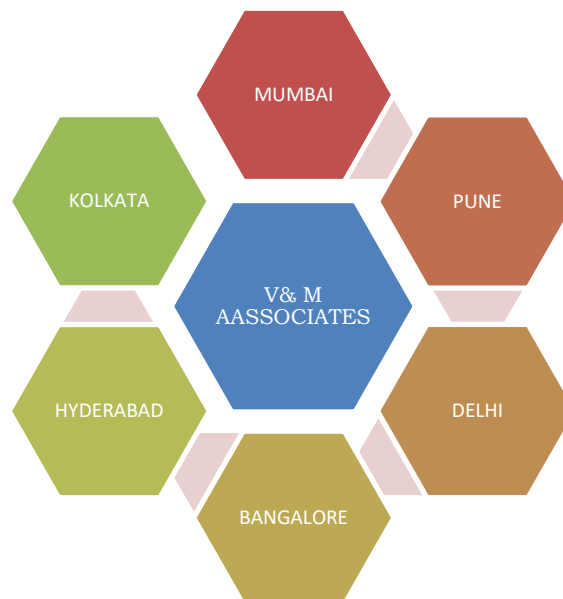
<http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/11/17.Mismatch-of-uan-with-UIDAI-Database-Regarding-By-EPFO.pdf>.

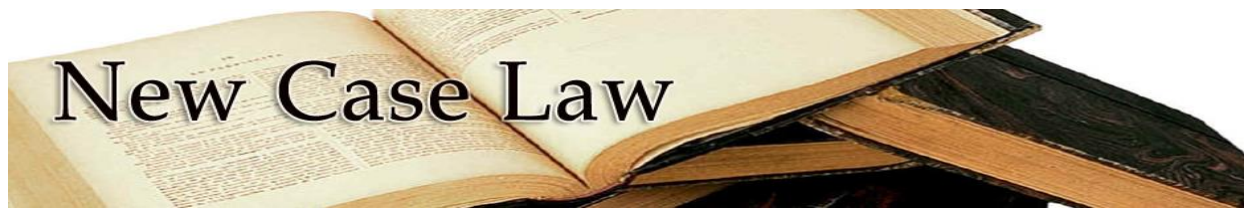
Introduction of online request functionality to EPF subscribers for correction in Name, DOB.and Gender No NDC/2017/UAN/pt/2741(21-Oct-17)

<http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/11/Online-Request-functionality-to-EPF-subscribers-for-correction-in-Name-DOB-and-Gender-regarding.pdf>.

Direct UAN allotment to any citizen at unified portal No NDC/2017/UAN/Part/2729 (21-Nov-17)

[http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/11/NDC\\_AllotmentUAN\\_UnifiedPortal\\_2729.pdf](http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/11/NDC_AllotmentUAN_UnifiedPortal_2729.pdf).





## *Case law*

An amount paid as “interim relief” on account of increase in wages on the basis of recommendations of the Wage Board, is to be covered under the term “ Wages “ as defined under Section 2 (22) of the ESI Act, 1948. Interim relief is not a gift or inam but part of the wages as defined under Section 2 (22) of the ESI Act, 1948. The spirits of ESI Act, being a welfare legislation, warrants a construction that benefits the working class.

### ***Supreme Court of India – ESI Vs. Mangalam Publications India Private Ltd., - 2017 – LLR – 1121***

The officer conducting the enquiry under Section 7A (1) of the EPF Act, shall, for the purpose of such enquiry, have the same powers as are vested in a court under the Code of Civil Procedure, 1908, for trying a suit and any such enquiry shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 and for the purpose of section 196 of the Indian Penal Code, 1860. Proceedings under Section 7A of the EPF Act, 1952, are judicial proceeding by fiction since the same can well be equated for the purpose with a court under Section 195 (1) (b) (i) of Cr.P.C.

### ***Supreme Court of India – Amit Vashistha Vs. Suresh and Another - 2017 – LLR – 1199***

The due payable to workmen and employees towards Provident Fund would get first priority. The dues of the provident fund have to be treated as dues payable to workmen and employees.

### ***Supreme Court of India – EPFO Vs. Government of Andhra Pradesh - 2017 – LLR – 1226***

Any place visited by employee arising out of or during the courses of employment including transportation provided by the employer for undertaking such journey would be treated as “workplace” for the purpose. Since the incident took place at Kolkatta while appellant and complainant were there on duty to attend training programme, hence the “workplace” for the purpose of this Act is at “Kolkatta”.

### ***Gauhati High Court – Biplab Kumar Das Vs. IDBI Bank Ltd., and Others – 2017 – LLR 1148***

For coverage of a worker under the ESI Act, 1948, it is to be proved on record by the ESI authority that Worker works under the direct supervision of the management and there was

consistency of vigil by principal employer. The Employees working in shops, inside the hotel, cannot be treated as employees of the hotel since such shops are open to general public and not only for the use of the hotel

***Madras High Court – ESIC Vs. I.T.C. Ltd., - 2017 – LLR 1180***

Law is well settled that Gratuity, Leave salary, family benefits (PF and Pension) are all immune from attachment, against any liability. Wife and Children are legal heirs of the deceased employee, entitled to all monetary benefits. Gratuity and Provident Fund cannot be attached for recovery of balance outstanding amount against loan obtained from Bank.

***Madras High Court – T.Rathikala Vs. The Chief Engineer and Others – 2017 LLR 1178***

An employer is liable to pay compensation under the Act even to the contract labour if he has died due to accident during the course of his employment. When the Driver – Contract labour died due to accident of the lorry, the victim would be treated as “died” during the course of employment and his dependents would be entitled to compensation under the Employees’ Compensation Act, 1923.

***Madras High Court – A.E., T.N. Electricity Board Vs. Tmt. Koman and Others – 2017 LLR 1167***

Milk Allowance does not come within the meaning of ‘wages’ regarding coverage under the ESI Act since it is paid to the workers as a reward for their hard work.

***Calcutta High Court – ESI Vs. Kesoram Industries Ltd., - 2017 (154) FLR 858***

An Apprentice appointed under the Apprentices Act, 1961, is not a workman under ID Act, 1947. An Industrial dispute raised by an apprentice is not maintainable since the apprentice is not a workman. Termination of services of an apprentice after the expiry of fixed term training under the Apprentice Act, 1961 is not illegal.

***Supreme Court of India – Ram Gopal Dwivedi and Others Vs. Kanpur Electricity Supply Co., Ltd., - 2017 – LLR – 1189***

When the workman had rendered service for more than 240 days in each of calendar year and termination was in violation of Section 25 (F) of the Industrial Disputes Act, 1947, the workman is entitled to reinstatement with back wages and continuity of service as well as consequential benefit.

***Madhya Pradesh High Court – Mazid Khan Vs. The Municipal Council – 2017 – LLR 1187***





# 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 - <b>Form - P</b>
2	S & E Act	MONTHLY	Register of Employment for Shop and Establishment <b>Form - Q</b>
3	S & E Act	MONTHLY	Register of Wages - <b>Form - R</b>
4	S & E Act	MONTHLY	Notice of Daily Hours of Work, Rest Interval Weekly Holiday <b>Form - S</b>
5	S & E Act	MONTHLY	Wages slip/Leave card Return - <b>Form - T</b>
6	LWF	MONTHLY	Labour Welfare Fund register - <b>Form - B</b>
7	Min Wages	MONTHLY	Register of Fines- <b>Form - 1</b>
8	Min Wages	MONTHLY	Deduction and Damages- <b>Form - II</b>
9	Min Wages	MONTHLY	Overtime register- <b>Form - IV</b>
10	S&E Act	MONTHLY	Whether minimum leave entitled / availed as per <b>Shops &amp; Establishment</b> Rules
11	S.A.ACT	MONTHLY	Maintenance of Registers - <b>Form - 1</b>
12	P.S.ACT	MONTHLY	Maintenance of Registers - <b>Form - 1</b>
13	M.B.ACT	MONTHLY	Maintenance of Registers - <b>Form - A</b>
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 - <b>Form - D</b>
16	N.F.H.ACT	ONGOING	Maintenance of Registers - <b>Form - VI</b>
17	P.W. ACT	MONTHLY	Register of Fines – <b>Form - I</b>
18	P.W. ACT	MONTHLY	Deduction and Damages - <b>Form - II</b>
19	P.W. ACT	MONTHLY	Register of Advances - <b>Form - III</b>
20	P.W. ACT	MONTHLY	Notice of Rate of Wages- <b>Form - VI</b>
21	EPF ACT	MONTHLY	EPF Challan on or before 15 <sup>th</sup> of Succeeding Month
22	ESI ACT	MONTHLY	ESI Challan on or before 15 <sup>th</sup> of Succeeding Month

## NOTICE BOARD DISPLAY COPY

1	MA.NO.BO	ONGOING	Abstract of the Maternity Benefit Act – <b>FORM - J</b>
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2	S & E Act	ONGOING	Notice of Daily Hours of Work, Rest Interval Weekly Holiday – <b>FORM - S</b>
3	GRA. NO. BO	ONGOING	Abstract of the Gratuity Act – <b>FORM - U</b>
4	P.W.NO.BO	ONGOING	Abstract of the Payment of Wages Act - <b>FORM - V</b>
5	M.W. NO.BO	ONGOING	Abstract of the Minimum Wages Act - <b>FORM - X</b>
6	N.F.H.ACT	ONGOING	Display of list of Holidays under National and Festival Holiday Act – <b>FORM- V</b>
7	P.W. ACT	ONGOING	Notice of Rate of Wages under Payment of Wages Act <b>Form – VI</b>
8	CL NO.BO	ONGOING	Abstract of the Contract Labour Act - <b>Rule -79</b>
9	GRA.ACT	ONGOING	Display of Notice - Authorized by the employer to receive Notice - <b>Rule - 4</b>
10	Min Wages	ONGOING	Inspectors Details- under the payment of minimum wages Act – <b>Rule - 22(10)</b>
11	N.F.H.ACT	ONGOING	Proceeding number received from Labour department- under the National and Festival Holidays Act – <b>FORM - III</b>
12	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 - <b>Rule 10 of Annexure - A</b>
13	S €& E Act	ONGOING	Displayed in Entrance of Company - COMPANY NAME BOARD IN TAMIL & ENGLISH
14	SHW	ONGOING	Abstract of the Sexual Harassment of Women At Workplace (PREVENTION, PROHIBITION AND REDRESSAL) ACT, 2013
15	SHW	ONGOING	List of Internal Complaints Committee members available and Displayed in the notice board.

### DUE DATE FOR FILLING OF RETURNS – 31.11.2017

ACT	FREQUENCY	DETAILS
S & E Act	<b>Monthly</b>	<b>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</b>

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