

NEWSLETTER

SEPTEMBER 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

Editorial Board

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

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

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

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.

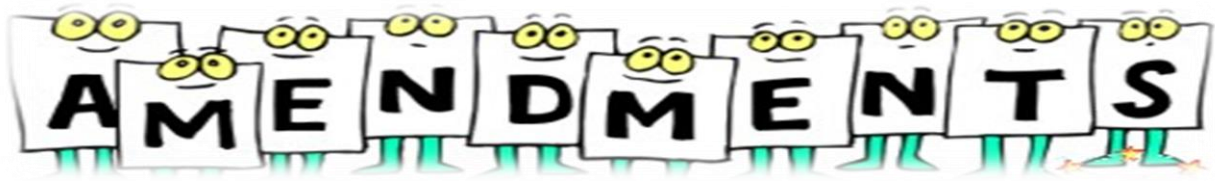
The Partners and members of the Firm are senior professionals with several years of experience behind them. Some of our senior founding partners rendered their services in the Capacity of Regulating Authorities with judiciary powers for state & Federal Government. The practicing team is supported by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



Composite Form 11

<http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/09/01.Composite-Form-11.pdf>.

Recent Transfer Procedure Manual of EPF

<http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/09/02.-Recent-Transfer-Procedure-Manuar-EPF.pdf>.

Paternity-Benefits-Bill-2017

<http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/09/03.-Paternity-Benefits-Bill-2017.pdf>.

Pension Composite PPO

http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/09/04.Pension_Composite-PPO.pdf.

Discontinue_PhysicalForm 9

http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/09/05.-Discontinue_PhysicalForm-9.pdf.

Mah Shops & Est (Reguln of Emp & Cond of Service) Act 2017

<http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/09/06.-Mah-Shops-Est-Reguln-of-Emp-Cond-of-Service-Act-2017.pdf>.

Circular By West Bengal Govt. to pay Bonus before Durga Pooja

<http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/09/07.-Circular-By-West-Bengal-Govt.-to-pay-Bonus-before-Durga-Pooja.pdf>.

Benefits under ESIC

<http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/09/08.-Benefits-under-ESIC.pdf>.

Gratuity_Ceiling 10 lacks to 20 lacks Cabinet Approval_12 Sep 2017

http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/09/09.Gratuity_Ceiling-10-lacs-to-20-lacs_Cabinet-Approval_12-Sep-2017.pdf.

Technical Guidelines Under EPF

<http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/09/10.TECHINICAL-GUIDELINES-UNDER-EPF.pdf>.

Manual on SOP of EPF Claim Settlement

<http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/09/11.Manual-on-SOP-of-EPF-Claim-Settlement.pdf>.

EPF Wage Ceiling & Contribution Rate

<http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/09/EPF-Wages-Contribution-Rate-2.pdf>.

Refund Of EPF Or EPS Accumulations To Japanese Expatriate Workers As Per SSA With Effect 1st October 2016

<http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/09/12.-Refund-Of-EPF-Or-EPS-Accumulations-To-Japanese-Expatriate-Workers-As-Per-SSA-With-Effect-1st-October->

The Tamil Nadu Industrial Establishments (National And Festival Holidays) Amendment Act, 2017.

<http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/09/13.The-Tamil-Nadu-Industrial-Establishments-National-And-Festival-Holidays-Amendment-Act-2017.pdf>.

User Manual for obtaining IWU_Online System_CO C

http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/09/15.-User-Manual-for-obtaing-IWU_OnlineSystem_CO C.pdf.

Revised Wage Limit under PWAct

<http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/09/14.-Revised-Wages-under-PW.pdf>.

New initiatives for Employer and Employee by EPF

<http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/09/16.New-initiaitives-for-Employer-and-Employee.pdf>.

Circular-on-Cashless-Treatment-for-Direct-Emergency-Admissions

<http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/09/18.Circular-on-Cashless-Treatment-for-Direct-Emergency-Admissions.pdf>.

Importance of Linking Aadhaar with ESIC number – Circular by ESIC

<http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/09/19.-Linking-Aadhaar-with-ESIC-number-Importance.pdf>.

Minimum Service Limit For EPF Loan & Withdrawal

<http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/09/20.Minimum-Service-Limit-For-EPF-Loan-Withdrawal.pdf>.



Case Laws

Non-payment of earned wages and other legal dues to the workmen attracts criminal proceedings against the erring employers. It is the legal duty of the Government Agencies to ensure that livelihood of the workmen is not disturbed by the employer by avoiding compliance of required provisions of laws. Government authorities concerned are liable to ensure that the due earned wages and other benefits to the workmen are paid in tact by the employers, failing which they are also liable to face the criminal action.

SUPREME COURT OF INDIA – International Union of Food Agriculture & Others Vs. Union of India & Others – 2017 LLR 947

When the appointment is on the basis of a contract for one year and there is no permanent sanctioned post, relief of reinstatement, is not justified.

SUPREME COURT OF INDIA – U.P. CO.OP. Spinning Mills Federation Ltd., Amar Nath Dwivedi and Another – 2017 LLR 981

An employee appointed for a fixed term employment is not entitled to seek regularisation of his/her services since it would amount to back door entry, not permissible under the law. On expiry of the contractual period of an employee appointed for a fixed term, provisions of Section 25-F of the Industrial Disputes Act, 1947, would not be attracted.

DELHI HIGH COURT - Suman Kumari Vs. Bhagini Nivedita College and Another – 2017 LLR 948

Termination of services of an employee, appointed on a fixed term, at the time of expiry of duration of the fixed term, is not illegal. Termination of services of an employee, not appointed in pursuant to any selection procedure or by following the constitutional scheme, is not illegal.

GAUHATI HIGH COURT – Patee Mahanta Hazarika Vs. The Managing Director, Assam Govt. Marketing Corporation Limited and Another – 2017 LLR 925

Where the workman had assaulted the Production Manager, showing any leniency by the Labour Court / Industrial Tribunal, by exercising power under Section 11-A of the Industrial Disputes Act, 1947, is not proper since it would amount to misplaced sympathy which would adversely effect discipline in the organisation. In the cases of grave and serious misconducts of riotous and disorderly behaviour, punishment of dismissal is justified.

MADRAS HIGH COURT - Management Carborandum Universal, Ranipet Vs. Presiding Officer, Labour Court, Vellore & Another, 2017 LLR 917

Transfer is an incident of service when the job is transferable. Management is having ample discretion to transfer an employee for the welfare of the organisation. Chronic heart disease would not prevent the employer to affect the transfer. Transfer is not bad when it does not adversely affect any fundamental right of the employee. Family difficulties are no ground to stall the transfer order which is otherwise justified.

KARNATAKA HIGH COURT – B.G. Arasaraju Vs. The Managing Director, KPTCL and Others – 2017 LLR 926

An apprentice appointed under the Apprentices Act, 1961 is not a workman under Section 2 (a) of the Industrial Disputes Act, 1947. An apprentice after completion of his apprenticeship is not having any legal right to demand regularization from the employer.

GUJARAT HIGH COURT – ShankarhalLebabhalVankarVs. Executive Engineer and Others – 2017 LLR 937

In the absence of employer – employee relationship, the employee / workman is not entitled to seek any relief from the management. If the employees themselves admit that they were working under their respective contractors, they would not be treated as employees of the principal employer.

CALCUTTA HIGH COURT – The Secretary, BSNL, Contract MazdoorUnior Vs. The Chief General Manager , BSNL – 2017 LLR 940

In the absence of employer – employee relationship, the workmen are not entitled to seek any relief from the principal employer. Oral evidence of the workmen against documentary evidence produced by the management, have no force to prove the case of the workmen.

BOMBAY HIGH COURT – GomantakMazdoorSanghVs. Airport Authority of India – 2017 – LLR 928

Retrenchment procedure is not required to be followed if the appointment is contractual in view of section 2 (oo) (bb) of the ID Act, 1947. Demand of regularization by the workmen appointed as stop gap arrangement on contractual basis, is not justified. When the employee appointed on contractual basis is having knowledge about his contractual job, the demand of regularization by such employee is not justified.

GUJARAT HIGH COURT – New Gujarat MazdoorManchVs. SardarSarovar Narmada Nigam Ltd., - 2017 (154) FLR 44

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 15 th of Succeeding Month

NOTICE BOARD DISPLAY COPY

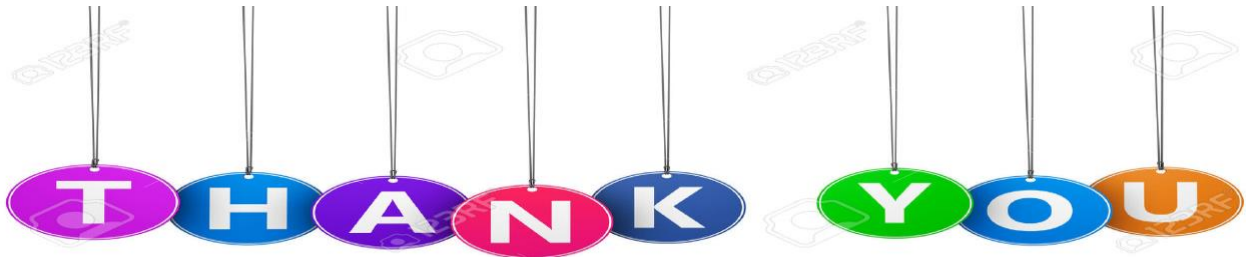
1	MA.NO.BO	ONGOING	Abstract of the Maternity Benefit Act – FORM - J
2	S & E Act	ONGOING	Notice of Daily Hours of Work, Rest Interval Weekly Holiday – FORM - S
3	GRA. NO. BO	ONGOING	Abstract of the Gratuity Act – FORM - U
4	P.W.NO.BO	ONGOING	Abstract of the Payment of Wages Act – FORM - V
5	M.W. NO.BO	ONGOING	Abstract of the Minimum Wages Act – FORM - X
6	N.F.H.ACT	ONGOING	Display of list of Holidays under National and Festival Holiday Act – FORM- V
7	P.W. ACT	ONGOING	Notice of Rate of Wages under Payment of Wages Act Form – VI
8	CL NO.BO	ONGOING	Abstract of the Contract Labour Act - Rule -79
9	GRA.ACT	ONGOING	Display of Notice - Authorized by the employer to receive Notice - Rule - 4
10	Min Wages	ONGOING	Inspectors Details- under the payment of minimum wages Act – Rule - 22(10)
11	N.F.H.ACT	ONGOING	Proceeding number received from Labour department- under the National and Festival Holidays Act – FORM - III
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 – Rule 10 of Annexure - A
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.

Monthly Return [Due Date – 30th September 2017]

S.No	Act	Frequency	Principle Employer
1	SE Act	Monthly	To be Submitted Form - S to the Labour Department as and when any change in the employees strength
1	PT	Half Yearly	To be remitted before 15th of Sept 2017 for Ist Half of 2017 - 2018 (for the period April 2017 to Sept 2017)

Disclaimer

You are receiving this communiqué either because you have interacted with us on business or because you're usual contact with us thinks you may find this interesting. This is for private circulation only and a compilation of already published relevant material for the ease of use and remembrance. This is not an advertisement or any form of solicitation. If you do not wish to receive this newsletter, please just reply 'Unsubscribe'

**V & M ASSOCIATES****(Advocates & Solicitors)**

**NEW NO.13, OLD NO.7, FIRST FLOOR,
4TH MAIN ROAD, OFFICERS COLONY,
ADAMPAKKAM, CHENNAI 600 088**

PHONE: 044 - 4353 6455

E.mail: madhavs@vmlegalassociates.com

www.vmlegalassociates.com

