



सत्यमेव जयते

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM**

Present: Shri.V.Vijaya Kumar, B.Sc., LLM, Presiding Officer.

(Thursday the, 31st day of March 2022)

APPEAL No. 142/2019

(Old No. ATA 836 (7) 2015)

Appellant

M/s. Pavan Motors Sales and
Services Private Ltd.
42/9282, Pavan House
Pullepadi Junction, Chittor Road,
Cochin – 682 035.

By Adv. P.M.M.Najeeb Khan

Respondent

The Assistant PF Commissioner
EPFO, Sub Regional Office,
Kaloor, Kochi – 682 017.

By Adv. Sajeev Kumar K Gopal

This case coming up for final hearing on 31.03.2022 and this Tribunal-cum-Labour Court on same day passed the following.

ORDER

Present Appeal is filed from order No. KR/KC/24455/Enf 5 (2) 2015/14384 dated 16.03.2015 assessing dues on evaded wages for the period from 08/2008 – 11/2012. The total dues assessed is Rs.1,95,630/- (Rupees One lakh ninety five thousand six hundred and thirty only)

2. The appellant is conducting sales and service of bicycles. The appellant is paying monthly salary under different heads such as Basic wages, House Rent Allowance, City Compensatory Allowance and Conveyance Allowance. For computation of contribution, only Basic wages is taken. City Compensatory Allowance and Conveyance Allowance will not come under the definition of Basic wages. Hence the impugned order is being challenged in this appeal.

3. The respondent denied the allegations in appeal memorandum. The Enforcement Officer of the respondent authority inspected the appellant establishment and reported that the appellant is bifurcating the wages into various allowances for evading Provident Fund contribution. On the basis of the report of the Enforcement Officer, the respondent authority initiated an enquiry under Sec 7A of the Act. Though the enquiry was attended by the representative of the appellant in the initial stages, there was no representation at the final stages of proceedings. On the basis of the law declared by the Hon'ble High Court and Hon'ble Supreme Court of India, the respondent authority decided that the appellant is liable to remit contribution on all allowances except HRA. Therefore the

impugned order is issued assessing dues on Conveyance Allowance and City Compensatory Allowance being part of Basic wages.

4. When the appeal is taken up today for final hearing, the learned Counsel for the appellant submitted that the appellant have already remitted an amount of Rs, 78,252/- as directed by this Tribunal under Sec 70 of the Act. The appellant is ready and willing to remit the balance amount and requested for some easy instalment facility to remit the balance amount. It is seen that the balance to be remitted by the appellant as per the impugned order is Rs.1,17,378/-. The appellant is directed to remit the balance amount of Rs.1,17,378/- in six equal instalments starting from 18th of April 2022. If the appellant fails to remit any instalment as ordered above, the respondent is at liberty to recovery the amount in lumpsum. It is also clarified that the instalment facility now granted will not save the appellant of its liability under Sec 14B and 7Q of the Act.

Hence the appeal is dismissed with the above directions.

Sd/-
(V.Vijaya Kumar)
Presiding Officer