

ORDER SHEET

CENTRAL GOVT. INDUSTRIAL TRIBUNAL CUM LABOUR COURT,

JABALPUR (MP)

CASE NO. CGIT/LC/EPFA/19/2023

M/s Madhya Pradesh Today Media Ltd Vs RPFC, Bhopal

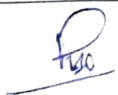
Date of order of proceeding	Order or proceeding with signature of Presiding Officer	Signature of parties or pleaders where necessary
25.10.2023	<p>Matter taken up.</p> <p>Learned counsel Sri Pranay Chaubey present for the appellant establishment.</p> <p>Learned counsel Sri J.K.Pillai for Respondent authority files objection on interim application and affidavit. Taken on record.</p> <p>The Learned counsel for appellant establishment press his application for a waiver of the amount under section 7 O of the Act. As submitted by him, the order appeal against is patently against law on various grounds namely, the contributions of the workers under the provident fund the scheme and of the employer that is the appellant establishment have been wrongly computed as it has been computed on the amount of salary which includes wages, allowances of various types and incentives which is against the law. Secondly, as submitted by him, the contribution of the employer to deposit the EPF dues has been computed against para 26A of the employees provident fund scheme 1952, hereinafter referred to by the word scheme. This is also against the law. Thirdly, according to the Learned counsel for appellant establishment the beneficiary form the establishment has been saddled with the responsibility of depositing its contribution have not been identified. Learned counsel has further submitted that this Tribunal has power and authority to consider waiver of deposit as required under section 70 of the Act and this is a fit case for the Tribunal to grant Complete waiver otherwise there will be great injustice. Order the appellant side. Learned</p>	

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counsel as referred to a decision of Hon'ble High Court of Madhya Pradesh in writ appeal number 289/2022 this proposition has been affirmed.

On the other hand, as submitted by Learned counsel for Respondent authority, there is a special provision for the newspaper organisations as mentioned in para 80 of the scheme which provides that every employee of the newspaper establishment shall be covered in the scheme. Hence, para 26 or 26 A are not applicable in the case in hand because the appellant establishment is a newspaper establishment. The point is still remains as to what shall be the contribution of employer.

The paragraph 26 A of the scheme provides that there will be ceiling of Rs. 15,000/-with regards to wages on which the employer is under obligation to pay his contributions of EPF dues with the authority. Paragraph 80 of the scheme is a silent with regard to contribution of the employer especially the ceiling under which the employer is obligated to pay his contribution of EPF dues. Learned counsel for Respondent authority submits at this point that since every employee of newspaper establishment will be entitled to the benefit of the Act hence there is no ceiling limit of Rs. 15,000/-as provided in paragraph 26 A of the scheme for contribution of newspaper establishment. As submitted by him, the Respondent authority has not committed error in law in fixing the responsibility of the appellant establishment which is a newspaper establishment to deposit EPF dues of its employees to be calculated on the basis of wages paid by the management to their employees. Learned counsel further submits that the definition of employees for the purposes of the Act covers also those who are getting wages and those who are getting remuneration in any form. He has referred to section 2 b of the Act to be read with paragraph 80 of the scheme. The above mentioned arguments and counter



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arguments will be seen at the time of final hearing but in the light of these arguments it can be safely held that at this stage, the appellant establishment has succeeded in establishing a prima facie and debatable case in their favor.

From the perusal of record, it comes out that out of the total amount fixed as recoverable from the appellant establishment at approximately Rs1,50,00,000/- is related to the ceiling limit. Keeping in view this peculiar fact at least the appellant establishment deserves complete waiver with regard to this amount. In these circumstances, the ends of justice will meet if the appellant establishment is granted partial waiver with regard to remaining amount. Accordingly, the appeal is advocated for hearing subject to deposit of 40% of Rs 20,00,000/- that is Rs. eighty lakhs (80,00,000/-) in favour of Registrar CGIT Delhi within 45 days from today. The interim application for waiver is disposed accordingly. On the condition of deposit of the said amount within the time as mentioned, there shall be no coercive action from the side of Respondent authority to recover the amount under the appeal.

Respondent to file counter with affidavit and documents if any within four weeks from today after giving copy to the appellant side. Rejoinder if any within two weeks thereafter List on for final arguments on 04-01-2024


Presiding Officer