



सत्यमेव जयते

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

Present: Shri.Sushil Kumar, Presiding Officer.

(Monday the 9<sup>th</sup> day of March, 2026)

**APPEAL No.64/2020**

Special Campaign

Appellant : Sri.Rajesh C.T.  
Chemmarasseri House  
CSEZ PO, Kakkanad  
Ernakulam - 682037

By Adv. Praveen H.

Respondent : 1. The Assistant PF Commissioner  
EPFO, Regional Office, Kaloor  
Kochi – 682017

By Adv.Sajeev Kumar K. Gopal

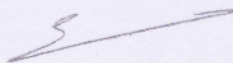
2. Programme Manager  
District Health & Family Welfare Society  
(Arogyakeralam), Fourshore Road  
Ernakulam – 682016

1. This case coming up for final hearing on 09.03.2026 and the same day this Tribunal-cum-Labour Court passed the following:
2. This appeal has been filed by the appellant to seek the following relief.

To set aside Annexure A4 order of the respondent seeking to issue such other orders and directions as are deemed fit. As per the case of the appellant he was appointed on a contract basis as T.B. Health Visitor by the District T.B. Control Society, Ernakulam. The appellant is eligible to get the PF dues from 23.01.2004 onwards, the date of appointment.

3. The salary was initially fixed as Rs.5000/- per month and was increased and present it is Rs.22,554/- by the District T.B. Control Society. Initially the appellant was not provided any PF account number. The appellant therefore approached the respondent by filing a representation before the respondent, it is marked as Annexure A2. Hon'ble High Court directed to decide the representation, the order of the Hon'ble High Court is marked as Annexure A3. As per Annexure A4, the first respondent has determined the dues payable to the appellant only from 04/2015 to 06/2020 and directed to remit a sum of Rs.2,67,807/- to the appellant. This is illegal, appellant is entitled to get the EPF contribution from the date of joining i.e., from 23.01.2004.
4. Appellant filed the following documents and affidavit
  1. True copy of the appointment order no.1036/T/STCS/DHS/2004 – Annexure A1
  2. True copy of the representation submitted by the appellant before the 1<sup>st</sup> respondent – Annexure A2
  3. True copy of the judgment in W.P(C) no.7430/2020 dt.11.03.2020 – Annexure A3
  4. True copy of the order passed by the 1<sup>st</sup> respondent. Order No.KR/KCH/1497384(7A)/ENF-C(2)/2020 dt.26.06.2020 – Annexure A4

5. True copy of the proceedings of the Public Information Officer, District TB Centre, Karuvelipady, Ernakulam. No.A1-304/2020 dt.27.10.2020 – Annexure A5.
5. 2<sup>nd</sup> Respondent in its reply stated that 2<sup>nd</sup> respondent is a society registered under the Travancore Cochin Literary, Scientific and Charitable Societies Registration Act 1955. It came under the EPF Act for the first time on 01.04.2015 consequent to the exemptions granted to it by the Central Govt. coming to an end on 31.03.2015. It has thereafter got itself covered as an establishment with COD No.KR/KCH/1497384 allotted to it. It is stated that 1<sup>st</sup> respondent arrived to hold the appellant has to be covered under the Act from 01.04.2015 while the 2<sup>nd</sup> respondent was offered a fresh contract of employment from 02.04.2015 to 31.03.2016, but “ it is worth to mention at this junction itself that 2<sup>nd</sup> respondent failed to file any appeal against the order of 1<sup>st</sup> respondent, therefore such contentions raised by the 2<sup>nd</sup> respondent in reply of the appeal filed by the appellant are not to be considered”. This Tribunal has to decide the appeal filed by the appellant for the limited purpose, that is, whether he is entitled to get the benefits of the EPF and MP Act since the date of his joining the services in the office of the 2<sup>nd</sup> respondent .
6. No reply has been filed by the 1<sup>ST</sup> respondent.
7. I have heard the arguments and peruse the record.
8. On perusal of the memorandum of appeal, the first question that arises for determination is, whether the appellant is entitled to get the EPF contribution from the date of joining as affirmed by him.



9. The 1<sup>st</sup> respondent received a complaint dt.20.12.2019 from the appellant claiming an employee of the establishment from 23.01.2004 and he was not been enrolled to the Scheme and Hon'ble High Court directed to consider Exbt.P2 representation filed by the complainant/appellant. 1<sup>st</sup> respondent considered the notification dt.14.05.2010 issued by the Central Govt. of India. This notification was issued in the exercise of powers conferred by sub-section (2) of section 16 of the Act and had exempted those class of establishments registered under the Societies Registration Act 1860 for a period of 5 years. The Central Govt. thereafter has not extended the exemption in respect of the above class of establishments. Accordingly those establishments that fall under the above class were required to be covered under the Act w.e.f. 01.04.2015 and all eligible employees of such establishments were considered entitled to get the EPF contribution.
10. Sec 16 (1(b) of the Act deals with the establishments which the EPF Act does not apply. Such establishments are called exempted establishments. Since the Central Govt. has the power to exempt the establishment who were registered under the Co-operative Society Act and in exercise of the power Central Govt. issued a notification as discussed by the 1<sup>st</sup> respondent. This exemption period was not extended by the Central Govt. Central Govt. issued the exemption circular on 14.05.2010 prior to this period appellant was entitled to get the EPF contribution from the date of joining of service. The ECLIPSE period is 14.05.2010 to 13.04.2015.
11. Thus, the appellant is entitled to get the EPF contribution from 23.01.2004 to 14.05.2010 too. Respondent No.1 fails to consider the liability of the 2<sup>nd</sup>


respondent for EPF contribution of this period. Hence appeal is allowable partially with following directions:

**ORDER**

Appellant is entitled to get the EPF contribution for the period from 23.01.2004 to 14.05.2010. Respondent No.1 is directed to assess and recover the EPF dues for this period also.

Ordered accordingly. The appeal is allowed to the above extent.



  
(SUSHIL KUMAR-II)  
Presiding Officer