



सत्यमेव जयते

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

Present: Shri.Sushil Kumar, Presiding Officer.

(Monday the 9th day of March, 2026)

APPEAL No.98/2023

(Old No.579(7)2010)

Special Campaign

Appellant : M/s.Guruvayoor Co-operative Urban Bank Ltd
No.F.1652, Head Office
West Nada, Guruvayoor
Thrissur.- 680101

By Adv. C. Anilkumar


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

By Authorised person

This case coming up for final hearing on 09.03.2026 and the same day this
Tribunal-cum-Labour Court passed the following:

ORDER

1. This Appeal has been preferred against the order No.KR/KC/10116/Enf-II(6)/2010/6602 dated 26.07.2010 passed by the Assistant Provident Fund Commissioner, Kochi. In the matter of appellant M/s.Guruvayoor Co-operative Urban Bank Ltd, there by the learned authority directed to the appellant to remit an amount of Rs.1,42,746/- within 15 days for the ten employees payable for the period from 05/1989 to 12/2009.
2. As per the case of appellant, the appellant society registered under the Kerala Co-operative Societies Act, 1969 and covered under the EPF and MP Act, 1952 and the banking business is carried on as per license issued by the Reserve Bank of India. The staff pattern is fixed as per Appendix III of the Kerala Co-operative Societies Act. There is a feeder category rules approved by the Joint Registrar of Co-operative Societies. The persons mentioned by the respondent were deposit collectors working on commission basis and they were not employees of the Bank. They were not working against any sanctioned post. The order passed by the respondent is illegal without considering the objections raised by the appellant. The Govt of Kerala by GO.No.189/2009 Co-op dt.13.11.2009 has clarified that the promotion, pension, provident fund etc., of deposit collectors will be decided by the Govt later. This document was produced and marked before the respondent but there is no proper discussion regarding the said clause of the document. The statute prescribes a staff strength, outside the said staff will not come within the definition of 'employee'. Deposit collectors were never employees of the appellant Bank. They were not paid any wages. The impugned order does not state as to how the respondent had



come to a conclusion that an amount of Rs.1,42,746/- is due towards contribution.

3. The respondent in its reply stated that the deposit collectors engaged by the appellant Bank are also entitled for EPF contribution. It was held in the case of **Indian Banks Association vs Workmen of Syndicate Bank and others** reported in [(2001) 3 SCC 36].
4. I have heard the learned Counsels appearing for on either sides and perused the records.
 1. 1st question that arises for the determination is whether the deposit collectors come under in the category of workmen ?
 2. Whether the persons engaged as workmen are entitled for EPF contribution ?
 3. Whether the calculation for payment made by the respondent is erroneous ?
5. Issue no.1 & 2 are supplementary to each other, therefore are being decided simultaneously.
6. Learned Counsel appearing on behalf of the Bank has stated that 10 deposit collectors are paid only commission and they are not entitled to EPF contribution, while the learned Counsel appearing behalf of the respondent argued that commission paid to workers are also eligible for EPF contribution.
7. This fact is admitted that the establishment has 20 or more employees. Therefore establishment comes under mandatory coverage. This fact is also established that 10 persons are not independent agents. They perform the work for the Bank and Bank gained financial strength on the basis of

- the persons who received the commission in fact receive the wages and are covered under the EPF Act.
8. Learned Counsel appearing on behalf of appellant argued that the Govt. of Kerala had issued a notification dt.13.11.2009 in respect of employment conditions of deposit collectors. This circular was considered by the respondent authority. Meanwhile, the circular relates to the promotion, pension and PF which will be decided later by the Govt. It means that PF provision which are enacted by the Parliament of India have to take priority. Govt of the State never stated in this circular regarding the payment of PF. Therefore EPF and MP Act will apply and the persons who are engaged as deposit collectors are entitled for EPF contribution. These two points of determination are decided accordingly.
 9. Now I have to decide the point no.3. On peruse of order, it appears that learned respondent authority has specifically described the period, the amount payable for a particular head. Hence it is preferred to state that the respondent authority had made a proper calculation of the contribution.
 10. As per the discussion above, it is established that the workmen 10 in numbers are entitled for EPF contribution for a period from 05/1989 to 12/2009 and the appellant is liable to remit such amounts.
 11. This appeal is deserved for dismissal, accordingly the appeal is dismissed.



(SUSHIL KUMAR-II)
Presiding Officer