

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,**

**ERNAKULAM**

**Date: 12-03-2026  
(SPECIAL CAMPAIGN)**

**PRESENT: SHRI SUSHIL KUMAR-II,  
PRESIDING OFFICER**

**APPEAL No. 130/2022**

**BETWEEN**

**M/s. Zyxware Technologies (P) Ltd.  
II nd floor, Yamuna Building  
Technopark, Phase II Campus  
Trivandrum – 695 583**

...

**I Party / Appellant**

**AND**

**The Assistant Provident Fund Commissioner,  
Employees Provident Fund Organization,  
Regional Office, Pattom,  
Thiruvananthapuram – 695 004**

...

**II Party / Respondent**

**Appearance**

**For the Appellant**

**Adv. Anil Narayan**

**For the Respondent**

**M/s. Chandrasekharan & Chandrasekhara Menon**

\*\*\*\*\*

This appeal has been filed by the Appellant against Order No. KR/TVM/26433/Damages Cell/2022-23/3159 dated 19.07.2022 of the Assistant Provident Fund Commissioner, Trivandrum by which damages amounting to Rs.1,81,022/- was levied against appellant under Section 14B of the Act.

2. The Appellant stated that assessment is made at high point without assigning any reason to impose maximum amount of damages.

3. As per the provisions of Section 14B, there are three ingredients.

*3*

- 
- A. There must be default on the part of the employer in payment of any contribution to the fund payment of any charge.
- B. The Authorised Officer may recover from the employer (by way of penalty such damages) not exceeding an amount of arrears for such damages, and
- C. Limit of amount not to exceed arrears.

4. These were three ingredients specified that there must be some due payable to the employer and the Authorized Officer may recover it not exceeding the amount of arrears. Thus, Section 14B of the Act is enabling provision and does not envisage any compulsion to levy damages in all cases up to a maximum limit. Before levy of damages, on the given circumstances must be considered by the authority before imposing damages.

5. Having gone through the record and after hearing upon the parties, it appears that the Respondent authority has imposed maximum penalty without assigning any plausible reasons.

### ORDER

Therefore, in view of the statements made by both the parties and considering the facts of the present case, it is appropriate to waive **35%** of the amount of damages assessed by the Respondent. Ordered accordingly.

Record be consigned to the record room.

Place:Ernakulam  
Date: 12-03-2026



(SUSHIL KUMAR-II)  
Presiding Officer