



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

Present: Shri. Irfan Qamar, Presiding Officer.  
(Thursday, the 09<sup>th</sup> day of November, 2023)

**APPEAL No.126/2022**

Appellant : M/s. Shalom Care N Cure  
Vazhukkapara  
Kinavallur.P.O., Parali  
Palakkad – 678 615

Adv.C. Viju K Raphel

Respondent 1. Chairman  
The Central Board of Trustees  
EPFO, New Delhi – 110 066

2. Assistant PF Commissioner  
EPFO, District Office  
Palakkad – 678 007

Adv. Abraham P Meachinkara

This case coming up for final hearing on 09/11/2023  
and this Tribunal-cum-Labour Court on same day passed the  
following:

**O R D E R**

1. Present appeal is filed by the appellant under Sec 7(I) of EPF  
and MP Act challenging the impugned order dated 12.05.2022  
passed by Assistant Provident Fund Commissioner, Palakkad.

Under Sec 14B and an application under Sec under rule 7(2) of Appellant Tribunal procedure ruled 1997 for condonation of delay of 58 days in filing the appeal.

2. Notice served upon the respondent. Respondent appeared and filed counter.

3. Heard the learned Counsel for appellant on point of admission and counsel for respondent perused the record.

4. Appeal has been filed within condonable period hence delay is condoned.

5. Appellant counsel submits that the assessing authority has not considered the contention of the appellant hospitals that the contribution are not paid for exempted employees who are drawing salaries more than 15000/- per month and the employees whose pay at the time he is otherwise entitled to become member of the fund exceed the limit. Further it is submitted that the Trainees against whom no contribution is paid, are students who completed the courses offered by the appellant establishment and has been inducted to the appellant hospital to complete their curriculum after gaining by an experience from the appellant hospital. The students are inducted only for a short period and payment made to the said Trainees and exempted from the payment of contribution in accordance with a provision of Para 2(f)(IV) of the Act 1952 and

the same were not considered by the EPF authority in correct perspective. It is submitted that the finding of the PF authority is not on the basis of contention or evidence during 7A enquiry and the order under challenge is not a speaking order and that has been passed in violation of Principal of natural justice.

6. On the other hand, respondent counsel would support the impugned order and contented that the order has been passed as per law by following the Principal of natural justice.

7. Peruse the impugned order and record Appellant has raised debatable issues requires consideration in the appeal. Therefore appeal is liable to be admitted for consideration. As far as the prayer of the appellant for waiver of the pre-deposit condition of 75% of determined amount under Sec 7(O) is concerned, In view of the fact and circumstance of the cases, the appeal is admitted subject to remittance of 30% of the determined amount under Sec 7A within six weeks from the date of order and the proof of remittance be filed on the record. Thereafter the operation of impugned order is suspended till disposal of appeal. List the matter for hearing on 25<sup>th</sup> January 2024.

Sd/-

**(Irfan Qamar)**  
Presiding Officer