



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

Present: Shri.V.Vijaya Kumar, B.Sc., LLM, Presiding Officer.
(Wednesday the 10th day of February, 2021)

Appeal No.471/2019

Appellant : M/s.Central Travancore
Specialists Hospital Ltd
Mulakuzha, Chengannur
Alappuzha - 689505

By M/s.Menon & Pai

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

By Adv.Sajeev Kumar K. Gopal

This case coming up for hearing on 10.02.2021 and the same day this Tribunal-cum-Labour Court passed the following:

ORDER

The impugned order is issued U/s 7A of the EPF & MP Act, 1952 assessing dues in respect of regular employees and eight non-enrolled employees. Total dues assessed is Rs.1,89,01,935/-. The appeal was admitted vide order dt.03.12.2019. The pre-deposit U/s 7(O) of the Act was reduced to

30% against 75% as required under the section taking into account the financial difficulty pleaded by the learned Counsel for the appellant. The appellant did not remit the pre-deposit amount. The appellant approached the Hon'ble High Court of Kerala in W.P.(C) no.9220/2020 against the interim order passed by this Tribunal. The Hon'ble High Court dismissed the writ petition vide order dt.09.12.2020 holding that the pre-deposit U/s 7(O) is a precondition for maintaining the appeal citing the decision of the Division Bench of Kerala High Court in **M/s.Muthoot Pappachan Consultancy Management Services Vs Employees Provident Fund Organization**, 2009 (1) KHC 362. The matter was again posted to 13.01.2021 and 21.01.2021 to confirm the pre-deposit.

When the matter was finally taken up today, the Counsel for the appellant submitted that the pre-deposit ordered by this Tribunal vide order dt.03.12.2019 is still not complied with.

In view of the above, the appeal is dismissed as not maintainable as the precondition U/s 7(O) of the Act is not complied by the appellant.

Sd/-

(V. VIJAYA KUMAR)
Presiding Officer