



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

Present: Shri.V.Vijaya Kumar, B.Sc., LLM, Presiding Officer.

(Friday the 8th day of January, 2021)

Appeal No.69/2020

Appellant : M/s.Kerala Horticulture
College Hostel
Vellanikkara
Mannuthy
Thrissur - 680656

By M/s.Menon & Pai

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

This case coming up for hearing on 08.01.2021 and the same day this Tribunal-cum-Labour Court passed the following:

ORDER

Both sides are represented. According to the Counsel for the appellant, the impugned order is issued U/s 7A of the Act. There is a delay of 40 days in filing the appeal. It is submitted by the Counsel for the appellant that the assessments were made against

employees who were regularized in the service of the University. But from the impugned order it is seen that the submission made by the Counsel is not correct. It is seen that the appellant was given 27 opportunities to produce records to counter the report of the Enforcement Officer who conducted the inspection of the establishment. Even the proposed wages of the employees were also given to the appellant. However the appellant did not counter the same. It is seen the coverage of the mess attached to the Hostels in the University is upheld by the Hon'ble High Court in an earlier proceedings. During the course of Sec 7A proceedings before the respondent, it was pointed out that some of the employees are regularized by the University. Hence no dues is payable to the employees from the date of regularization. The impugned order is issued assessing dues in respect of one Ms.Subaida for the period from 12/2005 to 03/2011 and 13 other employees from 04/2011 to 10/2016. It is surprising that the appellant failed to produce documents for 2016 when the enquiry was initiated in 2017. The appellant failed to establish a prima facie case to waive pre deposit.

Considering the above facts, the appeal is admitted condoning the delay, on the condition that the appellant shall deposit 25% of the assessed dues with the respondent within a period of 4 weeks and produce proof of remittance on or before the next posting.

Adjourned to 26.03.2021 for Counter.

Sd/-
(V. VIJAYA KUMAR)
Presiding Officer