



सत्यमेव जयते

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

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

(Thursday the 10th day of February, 2022)

Appeal No.94/2021

Appellant : M/s.Tely Medical Centre Ltd
Thiruvangad
Thalassery
Kannur – 670103

By Adv.V. Krishna Menon

Respondent : The Regional PF Commissioner-II
EPFO, Regional Office
Fort Road
Kannur – 670001

By Adv. K.C.Santhosh Kumar

This case coming up for admission on 10.02.2022 and the same day this
Tribunal-cum-Labour Court passed the following:

ORDER

Respondent is represented. The impugned order is issued U/s 7A of the
EPF & MP Act. There is delay. The delay is condoned in view of the direction of
Hon'ble Supreme Court.

This is second round of litigation on the same issue. In the first round of litigation this Tribunal, in Appeal No.303/2018, ordered that there are two categories of trainees and the first category of trainees will come within the definition of employees and assessment of dues in respect of those trainees is valid. There is another category of trainees who were part of “ANM Practical Study Scheme “. While reminding the matter, the respondent authority was directed to examine “whether the persons who were deployed as trainees under “ANM Practical Study Scheme” were actually learners or will come under the definition of employee U/s 2(f) of the Act “. The respondent authority concluded that those trainees also will come within the definition of the employees and therefore assessed the dues.

It is pointed out that the appellant challenged the 1st part of the order in Appeal no.303/2018 before the Hon'ble High Court of Kerala in W.P.(C) no.25399/2021 and the order is stayed by the Hon'ble Court.

It is seen that the appellant failed to provide any additional evidence on the specific issue referred to the respondent authority, but raised the same grounds which were rejected by this Tribunal in Appeal no.303/2018. It is seen that the appellant has raised the same grounds in this appeal also without answering the contentions of the respondent authority.

The appeal is admitted subject to remittance of 50% of assessed dues (including the 25% already remitted in Appeal no.303/2018) U/s 7(O) of the Act with the respondent authority within three weeks from today. Subject to above, the impugned order is stayed until further orders.

Adjourned and posted to 04.05.2022 for counter.

Sd/-
(V. VIJAYA KUMAR)
Presiding Officer