



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

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

(Monday the 15<sup>th</sup> day of March, 2021)

**APPEAL No.735/2019, 745/2019 & 746/2019**  
(Old Nos.601(7)2012, 602(7)2012 & 600(7)2012)

Appellant : M/s.Reliance Fresh Ltd  
Cabin No.10, 1<sup>st</sup> Floor  
Building No.4, A-Wing  
Reliance Corporate Park  
Thane Bellapur Road  
Ghansoli  
Navi Mumbai - 400701

Franchise units at:

1. M/s.Reliance Fresh Ltd  
Kumarapuram  
Trivandrum – 695011
2. M/s.Reliance Fresh Ltd  
Relecone Plaza  
Pattom, Trivandrum – 695004
3. M/s.Reliance Fresh Ltd  
India Tower  
Edappazhanji  
Vazhuthacaud  
Trivandrum - 695014

Respondent : The Assistant PF Commissioner  
EPFO, Regional Office, Pattom  
Trivandrum – 695004

By Adv.Nita N. S.

This case coming up for final hearing on 04.03.2021 and this Tribunal-cum-Labour Court on 15.03.2021 passed the following:

### **ORDER**

**Appeal No.735/2019** is filed from order no.KR/22898/ENF14/2012/3964A dt.28.05.2012 assessing dues on contract employees U/s 7A of the Act for the period from 03/2010 to 06/2011. Total dues assessed is Rs.64,458/-.

2. **Appeal no.745/2019** is filed against order no.KR/22899/ENF-1(4)/2012/3965A dt.28.05.2012 assessing dues on contract employees for the period from 03/2010 to 06/2011. The total dues assessed is Rs.82,783/-.

3. **Appeal no.746/2019** is filed against order no.KR/22913/ENF-1(4)/2012/3966A dt.28.05.2012 assessing dues on contract employees for the period from 03/2010 to 06/2011. The total dues assessed is Rs.1,12,233/-.

4. Common issues are raised in all these appeals. Hence all the appeals are heard and disposed of by a common order.

5. The appellant M/s.Reliance Fresh Ltd, in all these appeals, is a limited company registered under Companies Act, 1956 having its head office at Mumbai. The appellant establishment was covered under EPF Act with code no.MH/BAN/48701. The appellant had franchise arrangement with various units all over India. The Reliance Fresh Ltd, Kumarapuram, Trivandrum was

covered under code no.KR/22898 and the unit at Pattom, Trivandrum was covered under code no.KR/22899 and the Reliance Fresh unit at Edappazhanji, Vazhuthacaud, Trivandrum was covered under code no.KR/22913. This arrangement continued till 02/2010 and from 01.03.2010 the appellant entered into a noninclusive agreement for service, with M/s.Adecco Fleixione Work Force Solutions Pvt Ltd which is a unit independently covered under the provisions of the Act w.e.f. 01.10.2002 under the Regional Office, Peenya, Bangalore. While so the respondent initiated enquiry U/s 7A of the Act against all the 3 Reliance Fresh Stores in Trivandrum. The respondent impleaded M/s.Adecco Fleixione Work Force Solutions Pvt Ltd and also the respective units of Reliance Fresh which are otherwise independently covered as party to the proceedings. The respondent found that the employees engaged by M/s.Adecco India Pvt Ltd is splitting up the wages into various allowances. The respondent therefore directed the respective units of M/s.Reliance Fresh Ltd and M/s.Adecco India Pvt Ltd to remit the difference in contribution since they are jointly and severally liable for the default in contribution. There is no direction to the appellant to remit the contribution. However the appellant challenged all these orders on the ground that they are not the principal employer and they are in no way liable to remit contribution in respect of contract employees. The appellant also pointed out that the contractor, M/s.Adecco India Pvt Ltd being an independent contractor having independent

code number shall only be held liable for remitting the contribution, if any, of its employees. It is seen that the appellant was a party to the proceedings before the authority U/s 7A of the Act. However the respondent did not issue any direction to the appellant to remit the contribution in respect of the contract employees. As pointed out by the respondent, the first respondent in the proceedings before the 7A authority is liable for contribution only upto 02/2010 however the impugned orders directed the 1<sup>st</sup> respondent to remit the contribution along with the contractor M/s.Adecco India Pvt Ltd. M/s.Adecco India Pvt Ltd did not challenge the impugned order. It is but natural that M/s.Adecco India Pvt Ltd should have been impleaded in this appeal as a party as the liability of paying contribution for the relevant period of time is fixed against the contract as per the impugned order. M/s.Adecco India Pvt Ltd was also a party to the proceedings U/s 7A of the Act. In such circumstances it is necessary that M/s.Adecco India Pvt Ltd is also in the party array while adjudicating the above issue. The appellant failed to implead M/s.Adecco India Pvt Ltd as a party in this appeal which is fatal in the appeal proceedings.

Hence the appeal is dismissed for non joinder of necessary parties in the appeal.

Sd/-

(V. Vijaya Kumar)  
Presiding Officer