

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
CUM LABOUR COURT/EPF APPELLATE TRIBUNAL,
JABALPUR

NO. CGIT/LC/EPFA-01-2020

PRESENT: P.K.SRIVASTAVA
H.J.S.(Retd.)

M/s INDIRA Gandhi RAshtriya
Manav Sangrahalaya,
Bhopal (M.P.)

APPELLANT

Versus

Regional Provident Fund Commissioner
Bhopal(M.P.)

RESPONDENT

Shri S.K.Gupta : Learned Counsel for Appellant.

Shri J.K.Pillai :Learned Counsel for Respondent.

(J U D G M E N T)

(Passed on this 28th June-2021))

1. The Appellant/Establishment has preferred this appeal against order of the Respondent Authority dated 29/11/2019 whereby the appellant establishment has been saddled with the responsibility of Rs.3,39,17,764/- under Section 7Q and 14B of the Employees Provident Fund and Misc. Provisions Act,1952(hereinafter referred

to as the word 'Act'). The appeal has been admitted only to the extent of order under Section 14-B of the Act. Parties have exchanged their pleadings, hence as requested and consented by the parties, arguments of learned counsel for both the sides were heard today via video conferencing and I have perused the record as well.

2. .Facts connected in brief are, that according to the appellant, it is an autonomous organization of Ministry of Culture, registered under the Societies Registration Act,1960 and governed by its own rules. The employees working with the appellant establishment are fully covered under the Provisions of CCA Pension Scheme from the year 1985. Only in the meeting of the appellant establishment governing body on 28-4-1996, it was decided that till rules and regulations of the organization are framed and finalized, the Rules and Regulations issued by the Government of India shall be applicable. The appellant establishment was provisionally covered under Employees Provident Fund and Misc. Provisions Act,1952 and was allotted code which was objected to by the appellant establishment. Further vide letter dated 31-5-2017, the appellant establishment agreed to cover it and process of enrolling daily wage employees, contractual employees and casual employees/temporary employees under the Act started but could not be concluded till January-2018, hence inquiry under Section 7A of the Act was initiated by the Respondent Authority by sending summons dated 5-1-2018. It is the case of the appellant Authority, that it submitted its reply but the Respondent Authority, ignoring the statutory provisions and reply

wrongly recorded a finding that the appellant establishment defaulted payment of EPF dues and passed the impugned order which is totally against law and fact and cannot be sustained in law. It has therefore, been prayed that the appeal be allowed and the impugned order be set aside.

3. The Respondent Authority, in its counter to the appeal has mainly denied the allegations and has defended the order. The Respondent Authority has further stated that the aspect of exemption from operation of the Act to class of establishments granted by Central Government in exercise of the powers under Section 16(2) of the Act was not examined because the documents in this respect were not submitted. The Respondent Authority itself has prayed that the case may be remanded back to the Respondent Authority and it is read to re-examine the matter afresh and pass a fresh order.
4. During the course of arguments, learned counsel for respondent fairly admitted that the point of exemption should have been considered by Respondent Authority and suggested that the case be remanded back, directing the Respondent Authority to consider all the facts afresh and pass a fresh order. Learned counsel for appellant also made the same prayer. I find no occasion to dis-agree with it.

ORDER

Hence setting aside the impugned order dated 29-11-2019 passed under Section 14B of the Employees Provident Fund and Misc Provisions Act,1952 by the Respondent Authority, the matter is remanded back to the Respondent Authority to reconsider the facts and evidence in the light of submissions made by the parties, particularly in the counter of the Respondent filed before this Tribunal and pass a fresh speaking order.

No order as to costs.

(P.K.SRIVASTAVA)

PRESIDING OFFICER

JUDGMENT SIGNED , DATED AND PRONOUNCED.

(P.K.SRIVASTAVA)

PRESIDING OFFICER

Date:28-6-2021