

ORDER SHEET

**CENTRAL GOVT. INDUSTRIAL TRIBUNAL CUM LABOUR COURT,
JABALPUR(MP)**

CASE NO./EPFA/24/2021

M/s Shri Vardhaman Hr Sec School V/S APFC, Gwalior

Date of order of proceeding	Order or proceeding with signature of Presiding Officer	Signature of parties or pleaders where necessary
23-02-2024	<p>Matter taken up.</p> <p>Learned Counsel Mr. Pranay Chaubey present for appellant .</p> <p>Learned Counsel Mr. J.K. Pillai present for respondent.</p> <p>Learned Counsel for appellant files application stating that the appellant had written a letter to EPFO Gwalior on December 28th 2013 that with respect to the 13 employees whose provident fund amount was deposited by the District Education Officer in the Bank account of the employees, the appellant is ready to complete the formalities and to generate challan and the deposit the same with it the EPFO. One. Copy of the letter attached with the application. According to the appellant, though the liability to deposit the provident fund amount is with the State Government, but the appellant establishment undertakes to complete the formalities for generating the challan and to deposit whatever provident fund amount the State Government has deposited in the accounts of the employees with EPFO subject to co-operation of the employees as they are required to sign the cheque of the joint account in which this amount is kept. It has been further stated that the Principal of the appellant establishment has already informed such employees, including Sri Rambabu Richharia and Luxmi Narayan Soni on telephone and had requested them to complete the necessary formalities. It has therefore been paid that appropriate direction be issued by this Tribunal to the concerned employees to sign the cheque for the purpose of deposit of provident fund with EPFO and also the EPFO (the respondent) be directed to accept the challan and to do the needful in the interest of Justice.</p> <p>Learned counsel for respondent has no objection to such a deposit. His only argument is that as per rules, the deduction of provident fund amount contribution from the employees is</p>	

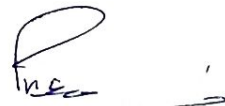


to be 12% of their basic pay and DA. The employer, that is the appellant establishment is under obligation to deposit its contribution amount which is also 12%. The appellant establishment is also under obligation to deposit interest on this amount and has submitted that instructions in this respect. Maybe issued to the appellant establishment.

Learned counsel for the appellant establishment has submitted that the contribution of the employees of the appellant establishment towards their provident fund dues was kept in a joint account, to be operated jointly by the employee and the secretary of the institution. This amount has to be transferred to the EPFO, but it could not be transferred for various reasons. One among these is that account holders where are not available for jointly signing the cheque and challan for transfer.

In my view, it will be proper and in the interest of Justice to permit the appellant establishment to transfer the amount which is lying in the joint provident fund amount of its employees which are 13 in number. At least, the appellant establishment may transfer the provident fund amount of its employees who appear before it for signing the joint cheque. As regards the point whether this amount transferred meet the requirements of law and is full amount as per law which the appellant establishment is under obligation under this Act to limit it to the EPFO will be seen in this appeal at appropriate stage. Hence, the application is allowed as prayed. Appellant establishment is directed to complete this exercise till or before next date and file a detail of the amount transferred in this way.

List on date **01/03/2024** for **final arguments**.



PRESIDING OFFICER