

# ORDER SHEET

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL/EMPLOYEES PROVIDENT  
FUND APPELLATE TRIBUNAL, JABALPUR

Date of Order of Proceeding	Order Or Proceeding with Signature of Presiding Officer	Remark
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Case No. EPFA/182/2017

M/s. Andhra Samaj Girls H.S. School V/S APFC, Raipur

19.07.2024	<p>Matter taken up.</p> <p>Ld. Counsel Shri Aditya Singh present for appellant establishment. Mr. J.K. Pillai present for respondent authority.</p> <p>Respondent side files additional reply with affidavit, copy served. Taken on record.</p> <p>Appellant side files counter reply to additional reply with documents as per list, copy served. Taken on record.</p> <p>Heard argument for both the sides.</p> <p>The main dispute, as it appears from rival argument, relates to amount assessed and its method of calculation. According to the respondent Ld. Counsel, the calculation was done on the basis of self declaration signed by the Principal in a required format, photocopy filed with the additional reply containing information that 40 staff were working in April 1982 whereas according to Ld. Counsel for appellant only 37 staff was working as it is mentioned in the next page of that declaration. The next objection is that between the period from 1982 to Sep, 2003 when the appellant establishment voluntary joined the scheme, as many as 17 staff retired, died or resigned. This fact has not been considered by Enforcement Officer in calculation the amount. Another objection is that between the period from 1982 to September 2003, the retiral dues of the 17 staff who retired/died, included their PF dues have been settled, with the approval of</p>	
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	<p>District Education Officer. This fact has also not been considered while calculating the amount. The fact comes out and is undisputed that though the 'Act' regarding coverage was enacted in March 1982, the matter got finally settled under order of Hon'ble Supreme Court by the respondent authority on 13<sup>th</sup> March, 2000 details mentioned in the counter to the appeal.</p> <p>The impugned order and the report of Enforcement Officer show that the calculation by Enforcement Officer is a flat calculation from 1982 to 2003-04.</p> <p>This Tribunal, being an appellant Court on Fact and Law both end keeping view the fact that this appeal is pending since 2006 as well the fact that there are many employees who being affected by this litigation, are still waiting for their dues to be cleared, it is deemed proper to direct the respondent authority to get a fresh report of the Enforcement Officer in the light of his report dated 01/05/2006 after verification of all the records produced by the parties in original substantiating their claims and counter claims for the period involved in the impugned order. The report shall specifically mention the documents on the basis of which it has been prepared, parties are directed to appear in the office of respondent authority on 02/08/2024 and file all their document in original before the respondent authority. The respondent authority is directed to inform the parties after getting the documents checked by the Enforcement Officer as to what other document if any are required, which shall be provided to the Enforcement Officer in 03 working days. The Enforcement Officer shall file his report after calculation of the amount on the basis of</p>	

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	<p>the documents produced which shall be forwarded by respondent authority to this Tribunal till or before 23/08/2024. Upload this order, one photo copy be given Ld. Counsel for respondent for information to respondent and to ensure compliance.</p> <p>List on 06/09/2024 for Final Arguments.</p> <p style="text-align: right;"><b>Presiding Officer</b></p>	