

Date: 12/9/2020

HC 01, MBA-TII HR

035-331 • WK 06

JAN 20

4

FEB

TUE

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

Determination of money due from employers :-

(1) The Central Provident Commissioner any Additional Central Provident Comm^r, any Deputy Fund Comm^r, any Regional Provident Comm^r, or any Assistant Provident Commissioner may by order -

(a) In case where dispute arises regarding the applicability of this act to any establishment, decide such dispute

(b) determine the amount due from any employer under in this act such as pension scheme, Insurance and scheme as the case may be -

(2) The officer conducting enquiry under subsec(1) shall for the purpose of such inquiry, have the same powers are vested in a Court. For trying a suit in respect of following matters -

(a) enforcing the attendance of any person or examining him on oath.

(b) requiring the discovery and production of documents

(c) receiving evidence on affidavit.

(d) using commissions for the examination of witnesses.

Date 12/9/2020.

HC 01, MBA III

MAR '20

M	T	W	T	F	S	S
30	31					1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29

WK 06 * 036-330

FEB

WED

5

(3) NO order — shall be made under sub sec-(1), unless the employed concerned is given a reasonable opportunity of representing his case.

(a) where the employer, employee or any other person required to attend the inquiry under sub sec(1) fails to attend such inquiry without assigning any valid reasons or fails to produce any documents or to file any report or return. The officer conducting the inquiry may decide the applicability of the act or determine the amount due from any employer.

(b) where an order under sub sec(1) is passed against an employer ex parte, he may within three (3) months from the date of communication of such order.

(c) NO order passed under this section shall be set aside on any application under sub sec(4) unless notice thereof has been served on the opposite party.

Review of orders passed under sec 7A

(1) any person aggrieved by an order made under sub sec(1) of sec 7A but from which no appeal has been preferred under this act,

(2) Every applicants for review under sub sec(1) shall be filled in such forms and

Date 12/9/2020 HC 01, MBA III

037-329 • WK 06

6

FEB

THU

JAN '20						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

- within such time as may be specified in the scheme -

(3) where it appears to the officer receiving an application for review that there is no sufficient ground for a review, he shall reject the application.

(4) where the officer is of opinion that the application for review should be granted.

7C Determination of escaped amount:-
12/9/2020

where an order determining the amount due from an employer under sec 7A or sec 7B has been passed and if the officer passed under review were the original order passed by him under sec 7A.

7D. Tribunal: The industrial Tribunal constituted by the central govt under sub sec (1) of sec 7A of industrial disputes act 1947, shall on from the commencement of part XIV chapter VI of the finance act 2017, be the tribunal for purposes of this act and the tribunal shall exercise the jurisdiction and authority conferred on it by under this act;

2020

Date 12/9/2020

HC 01, MBA - III

MAR 20

M	T	W	T	F	S	S
30	31					1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29

WK 06 • 038-328

FEB

FRI

7

Procedure of Tribunals:

(a) A tribunal shall have power to regulate its own procedure in all matters arising out of the exercise of its powers or of the discharge of its function including the places at which the tribunal shall have its sittings.

7K Right of appellant to take assistance of legal practitioner and of govt.

Order of Tribunal: (a) A tribunal may after giving the parties to the appeal, an opportunity of being heard, pass such orders thereon as it thinks fit, confirming, modifying or annulling the order appealed against.

(b) A Tribunal may, at any time within five (5) years from the date of its order, with a view to rectifying and mistakes apparent from the record, amend any order passed by it under sec (1) and shall make such amendment in the order if the mistake is brought to its notice by the parties to the appeal.

70 Deposit of amount due - NO appeal shall be entertained by the employer, unless he has deposited with it seventy five percent of the amount due from him as determined by the officer referred to in sec 7A.

75%
amount
deposited
then can
entertain
appeal

2020

Date 12/9/2020.

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

70 Interest payable by the employer

12%. The employee shall be liable to pay simple interest at the rate of twelve (12%) per cent per annum.

Mode of recovery money due from employer - Any amount due from the employer in relation to contribution payable to damage recoverable under Sec 14B accumulated required to be transferred under sub sec (2) of Sec (5) or any charges payable by him under any other provisions of this act.

9 Recovery of money by employers or contractors - The amount of contribution and any charges for meeting the cost of administering the fund paid or payable by an employer in respect of an employee employed or through contractor may be recovered by such employer from the contractor, either by deduction from any amount payable to the contractor or under any contract or as a debt payable by the contractor.

ISSUE of Certificate to the Recovery officer - (1) Where any amount is in arrear under sec 8, the authorised officer may issue, to the recovery officer, a certificate

MAR '20

M	T	W	T	F	S	S
30	31					1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29

WK 07 • 041-325

FEB

MON

10

under his signature specifying the amount of arrears and the recovery officer on receipt of such certificate shall proceed to recover the amount specified therein from the establishment —

(a) attachment and sale of the movable or immovable property of the establishment

(b) arrest of the employer and his detention in prison.

(c) appointing a receiver for the management of the movable or immovable properties of the establishment

Recovery officer to whom certificate is to be forwarded — The authorised officer may forward the certificate referred to in sec 8B to the recovery officer whether whose jurisdiction the employer —

2020