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EMPLOYEES' PROVIDENT FUND ORGANISATION

Bhavishya Nidhi Bhavan, 341, Bandra [E] Mumbai - 400 051.

No.MH/ 20644/Circle -II/122/135

Date : 10/06/2014  
12/06/2014

ORDER OF THE REGIONAL PROVIDENT FUND COMMISSIONER [I]  
U/S 7-A OF THE EMPLOYEES' PROVIDENT FUND AND MISC.  
PROVISIONS ACT 1952 IN CASE OF M/S.THE DECCAN MERCHANT  
CO-OP BANK LTD HAVING CODE NO.MH/20644.

M/s. The Deccan Merchant Co-op Bank Ltd [hereinafter referred to as "THE ESTABLISHMENT" ] is a covered establishment under EPF & MP Act 1952 [hereinafter referred to as "THE ACT"] vide Code No.MH/20644 dated 30/11/1978.

An inquiry u/s 7A of the Act was initiated for the period from 1994-95 . The LIS involved in this case is as under:-

The establishment was not extending the PF benefits to the Pigmy Deposit Collectors engaged by them. The Section 7A of EPF & MP Act, 1952 was initiated vide notice dated 26/02/2010 and in the said notice it was mentioned that to determine the dues payable by the establishment with regard to the commissions paid to the pigmy deposit collectors engaged by the Bank, 7A proceedings had been initiated.

[A] Facts of the case

*MEHMAN P.F.*

1. The Asst.PF Commissioner, considering the reports submitted by the Enforcement Officer and the submissions made by the establishment had passed an Order dated 20/10/2010 holding that, the Establishment is liable to pay the PF contributions of Rs.15,25,831/- for the period 1994-95 to March 2010. In the said Order the Hon'ble Commissioner had held that there is Master & Servant relation between the Bank and the Pigmy deposit collectors and they are discharging their duties relating to the work of the establishment and supervision and control of the Bank is extending benefits to other employees irrespective of salary limits, the Bank cannot discriminate in existing the PF benefits to the pigmy deposit collectors on the ground that they are getting commission at the rate more than Rs.6500/- pm. even though they are 'excluded' employees.