

such pigmy deposit collectors, in para 6, it has been clearly stated as under:-

*"you shall only be a representative for collection of Daily saving Scheme and not for any other purpose or business and you shall not perform or discharge any other duties for and on behalf of the Bank. Since you are not a staff of the Bank, rules relating to the conditions of service of our staff do not apply to you and will not be entitled to gratuity or provident or any other benefit or privilege enjoyed by the members of our staff"*

[2] The regular employees of the Bank are having separate service conditions, in view of the settlement arrived between their Union and the Management of the Bank and these pigmy deposit collectors are not included in those settlements. The pigmy deposit collectors have no specific duty hours and they are free to regulate their own hours of work. Their commissions are paid not on a fixed date on various dates depending upon the fulfillment of the requirement made by them. It is an admitted fact that they are free to take any other job simultaneously and accordingly all of them have working for other establishments also. It is also observed that the control and supervision of the Bank on the work done by these pigmy deposit collectors are restricted to verification of calculation/deposits collected by them for commission ascertainment and nothing else control or supervision is exercised by the establishment.

[F] Conclusion

Considering all these points I am of the opinion that the pigmy deposit collectors engaged by the establishment i.e. The Deccan Merchants Co-operative Bank Ltd are not the employees as per Section 2[f] of the Act. It is [Sec.2[f] reproduced here:-

"employee" means any person who is employed for wages in any kind of work, manual or otherwise, in or in connection with the work of {an establishment] and who gets his wages directly or indirectly from the employer [and includes any person, -

[i] employed by or through a contractor in or in connection with the work of the establishment

[ii] engaged as an apprentice not being an apprentice engaged under the Apprentices Act, 1961 [52 of 1961] or under the standing orders of the establishment "

Even if it is presumed to be eligible to be member of the fund us/ 2[f] of the Act, then he is excluded under para. 2[f] of the EPF Scheme 1952 which reads as under:-