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कर्मचारी भविष्य निधि संगठन

(श्रम एवं रोजगार मंत्रालय, भारत सरकार)

EMPLOYEES' PROVIDENT FUND ORGANISATION

(Ministry of Labour & Employment, Govt. of India)

मुख्य कार्यालय / Head Office

भविष्य निधि भवन, 14-भिकाजी कामा प्लेस, नई दिल्ली-110 066.

Bhavishya Nidhi Bhawan, 14, Bhikaiji Cama Place, New Delhi - 110 066.

No. LC-4(14)10/Punjab/2010

Dated: 27.09.2011

To

All Addl. Central PF Commissioner of Zone,
All Regional PF Commissioner, In-charge of RO/SRO

Sub:- Interim order of Hon'ble High Court of Delhi in the matter of Central Association of Private Security Industries Vs Ministry of Labour & Employment & others in Writ Petition Nos. 6333/2011 and CM No. 12729/2011- reg.

Sir,

Please find enclosed a copy of order of Hon'ble High Court Delhi dt. 30-08-2011 whereby Circular No. Cord./4(6)2003/Clarification/Vol.-II/7394 dated 23-05-2011 is kept in abeyance. The operative part of the order is reproduced below:-

"Till the next date of hearing, the impugned circular dated 23rd May, 2011 will be kept in abeyance. This will however, not prevent the authorities from deciding the pending applications under Section 7A of the Act on their individual merits."

All are directed to comply with the direction of Hon'ble Court.

This issues under direction of Addl. CPFC(Complianc).

Yours faithfully

Encl : As above

Anita S. Dixit
27.9.11

(Anita S. Dixit)

Regional PF Commissioner-I (Legal)

Copy to :

1. All Addl. CPFC, Head Office
2. All RPFC-I/RPFC-II, Head Office/
3. RPFC, NDC with a request to remove the said circular from our website.
4. PS to CPFC

} For information

127

S.No 34 CR



**EMPLOYEES' PROVIDENT FUND ORGANISATION
REGIONAL OFFICE, DELHI (NORTH)**

28, Bhavishya Nidhi Bhawan, Wazirpur Industrial Area, Delhi-110052
Telephone: 27376772-76, 27378782 Fax: 011- 27376777-78

No. RO, Delhi/W.P-2011/Minimum wage circular/Legal-27381

Dated:

19/9/11

By Name to:

**Sh. J.K. Pandey, RPFC-II, Legal
Central Provident Fund Commissioner,
EPF Organisation, Head Office,
Bhavishya Nidhi Bhawan,
14, Bilkapuri Cama Place, R.K. Puram - 66**

Sub: WP No.6333/2011 title as Central Association of Private Security Industry Vs. Ministry of Labour & Employment, C.P.F.C. and Sh. K.C. Pandey, Adml CPFC, New Delhi and others pending before the Hon'ble Delhi High Court for challenging the validity of the Circular dated 23-5-2011 reg splitting of minimum wages for the purpose of the P.F. Contribution issued by the Sh. K.C.Pandey, Adml CPFC, New Delhi

Sir,

Please find enclosed herewith the photocopy of the aforesaid writ petition as well as the stay orders dated 30-8-2011 therein Hon'ble Delhi High Court directed that the impugned circular dated 23-5-2011 will be kept in abeyance till further orders, for your kind perusal and arrange to provide the parawise comments thereof as early as possible for our perusal and doing needful to defend the matter accordingly as behalf of the department before the Delhi High Court.

It is also requested to issue necessary directions to each and every officer concerned of the Regional Office, Sub Regional Office as well as Sub-Accounts-Office to take notice of the Delhi High Court order dated 30-8-2011 during the determination of EPF & allied dues u/s 7A of the Act.

This may please be given top priority to avoid further legal complications as the counter affidavit to the petition has to be filed by 31-9-2011 positively before Hon'ble Delhi High Court.

Yours faithfully

(BHUPINDER SINGH)

Regional P.F. Commissioner-II, Legal

Encl: a/a.

Copy to:

1. P.S. to ACC, DL & UK
8th Floor, 28, Wazirpur Industrial Area, Delhi-110052 with a request to place the matter before the ACC, DL & UK for their kind perusal and issuing necessary direction accordingly.

2. Sh. Keshav Mohan, Advocate

Flat no. 104, Arihant Paradise,

Plot no. 06, Ahimsa Khand-II,

Indrapuram, Ghazipur, UP. A duly executed Vakalatnama in your favour is being sent herewith for your kind perusal and doing needful to file the same as early as possible before the Delhi High Court under intimation to this office and defend the matter accordingly.

Encl: a/a

Regional P.F. Commissioner-II, Legal

Urgent
S.O(L)
P. but up
20/9/11

जे. के. पाण्डेय / J.K. Pandey
केन्द्रीय पब्लिक प्रिंटर
Regional P.F. Commissioner-II

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126

IN THE HIGH COURT OF DELHI AT NEW DELHI

#53

W. P. (C) 6333/2011 and CM No. 12729/2011 (for stay)**CENTRAL ASSOCIATION OF PRIVATE
SECURITY INDUSTRY Petitioner****Through: Mr. Harvinder Singh with Mr. Prateek Kohli and Mr. S. P. Arora,
Advocates.**

versus

**MINISTRY OF LABOUR AND EMPLOYMENT
AND ORS Respondents****Through: Mr. Himanshu Bajaj, CGSC for
R-1/UOI.****Mr. Keshav Mohan, Advocate for R-2 and 3.****CORAM: JUSTICE S. MURALIDHAR****ORDER
30.08.2011**

1. It is pointed out by Mr. Harvinder Singh, learned counsel appearing for the Petitioner that in *Assistant Provident Fund Commissioner v. M/s G4S Security Services (India) Ltd.* (2011) LLR 316, a learned Single Judge of the Punjab and Haryana High Court has by a judgment dated 1st February 2011, rejected a writ petition of the Assistant Provident Fund Commissioner

W. P. (C) No. 6333/2011 Page 1 of 3
(?APFC?), Gurgaon against an order of the Employee Provident Fund Appellate Tribunal reversing the APFC's order under Section 7A of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 (?the Act?) regarding splitting of minimum wages for the purpose of PF contribution. Aggrieved by the said order of the learned Single Judge, the APFC filed an LPA No. 1139 of 2011 (OandM) which has been dismissed by the Division Bench of the same High Court on 20th July 2011. It is submitted that the impugned circular dated 23rd May 2011 has been issued by the Additional Central P. F. Commissioner (Compliance) disregarding the aforementioned judgment of the learned Single Judge and is in the nature of a direction to all the Regional Provident Fund Commissioners as to how they should decide the issue.

2. Notice. Mr. Himanshu Bajaj, Advocate accepts notice for Respondent No.1 and Mr. Keshav Mohan, Advocate accepts notice for Respondent No. 2 and 3 respectively. Replies be filed within four weeks. Rejoinders thereto, if any, be filed within four weeks thereafter.

3. List on 23rd January 2012.

125

W. P. (C) No. 6333/2011 Page 2 of 3

4. Till the next date of hearing, the impugned circular dated 23rd May 2011 will be kept in abeyance. This will however, not prevent the authorities from deciding the pending applications under Section 7A of the Act on their individual merits.

5. Order be given dasti to learned counsel for the parties.

S. MURALIDHAR, J
AUGUST 30, 2011
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W. P. (C) No. 6333/2011 Page 3 of 3

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