

FORM. II

**TRIPURA HUMAN RIGHTS COMMISSION
KUNJABAN, AGARTALA**

Complaint No. 11 of 2023

ORDER SHEET

Sl.No.	DATE	ORDER	NOTE
05	06.06.23	The Commission vide order dated 01.04.2023 directed the P.F. Commissioner to submit report in respect of recovery of P.F. dues of Rs. 15,98,181/- (November 2008 – November 2012) and Rs. 42,27,937/- (December 2012 to June 2018), in total Rs. 58,26,118/- . The Commission also directed the P.F. Commissioner to submit report about credit of the said amount to the workers' P.F. account. In this respect the P.F. Commissioner submitted his report vide letter no. RO/TR/Legal/Misc/Vol-VII dated 09.05.2023 wherein it is stated that quasi judicial proceeding U/S 7A of EPF &MP Act, 1952 was initiated against the establishment on 28.01.2022 for default in PF dues for the period from July 2018 to March 2021, has been concluded on 08.05.2023. On inquiry the total dues comes to Rs. 52,36,377/- during the period from July 2018 to March 2021. It is also reported that all actions shall be taken to recover the pending dues amounting to Rs. 52,36,377/- in accordance with EPF and MP Act, 1952 and coercive recovery action shall be initiated against the establishment as per law without delay once the appeal period has elapsed.	

The report of the Commissioner is silent in respect of recovery of PF dues and credit of the said amount to the workers' PF account for the period from November 2008 to June 2018 i.e for recovery of PF dues Rs. 15,98,181/- + 42,27,937/- = 58,26,118/- . Almost five years are going to expire and no action is taken till today.

As such the Commission is not satisfied about the report of the PF Commissioner for recovery of the above amount of Rs. 5826118/- and so PF Commissioner is directed to submit report about the specific action taken in this regard. PF Commissioner is also directed to inform what are the prescribed legal action as per law and the action taken by the PF Commissioner, if any, in this regard.

The PF Commissioner is also to inform the action taken against the establishment for recovery of Rs. 52,36,377 for the period from July 2018 to march 2021.

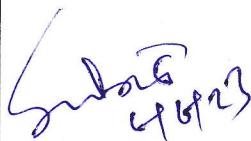
The Commission vide order dated 01.04.2023 directed Secretary and Labour Commissioner, Labour Department, Govt. of Tripura to submit report clarifying some points and accordingly notice was issued.

The Secretary to the Govt. of Tripura vide letter No. F.90 (30) – LAB / PL / TEA / 2023 / 1592-93 dated 30.03.2023 submitted his report. It appears from his letter that no report is submitted as per Commission's requirement vide order dated 01.04.2023 and so the report is not satisfactory. In fact the Secretary and Labour Commissioner chosen to remain silent to the queries of the Commission.

However, another chance is allowed to Secretary and Labour Commissioner to give reply to the queries of the Commission's vide order dated 01.04.2023 by the next date positively, otherwise the Commission will have no option but to pass an order for taking legal action for non compliance of the order.

Send copy of the order to EPF Commissioner and Secretary and Labour Commissioner, Govt. of Tripura.

Fix 05/07/2023..... for report of EPF Commissioner and report from Secretary and Labour Commissioner.


(S.C. SAHA)
MEMBER


(JUSTICE S.C. DAS)
CHAIRPERSON


(B.K. RAY)
MEMBER

