



# **LATEST STATUTORY, LABOUR LAW UPDATES & MORE. . .**

**Edition: February 2023**

# WHAT'S THERE IN THIS EDITION?

- **Important Judgments**
- **Statutory Updates & Notifications**
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# IMPORTANT JUDGEMENTS



## **SUPREME COURT OF INDIA**

- **The appropriate government can correct clerical or arithmetical mistakes by fixing or revising minimum wages.**
- **Whether a workman was gainfully employed or not is a question of fact and hence cannot be interfered with.**
- **Once retrenchment are set aside, the workmen will be entitled to continuity of service with back wages.**

## **ALLAHABAD HIGH COURT**

- **The burden to establish a Master-Servant relationship lies on the workman and not the employer.**
- **Non-production of documents as directed by the EPF Authority amounts to non-cooperation.**

## **CHHATTISGARH HIGH COURT**

- **While imposing damages, the authorities should consider the number of defaults, the period and reasons for the delay, the frequency of default and the amount involved.**

# IMPORTANT JUDGEMENTS (CONTD.)

## DELHI HIGH COURT

- **Transfer of an employee cannot be interfered with by the Courts unless same is mala fide.**
- **Considering the length of service and about 12 years of litigation, compensation is enhanced to Rs.10 lakhs.**
- **Compensation in lieu of reinstatement depends on the nature of employment, length of service, and the time lapse between the cessation of employment and the final order.**
- **Workman is not punished for the delay in litigation, but Courts must take a pragmatic view.**
- **Building & Other Construction Workers Welfare Cess Rules do not contain provisions for waiver or reduction.**
- **Reinstatement can be granted only in exceptional cases even if termination is wrongful.**

## GUJARAT HIGH COURT

- **Termination of a probationer on completion of the extended period of probation is not retrenchment.**

# IMPORTANT JUDGEMENTS (CONTD.)

## JAMMU AND KASHMIR HIGH COURT

- When a screen shot of an obscene phone call did not show the number, the accused cannot be held guilty.

## KARNATAKA HIGH COURT

- Prosecution under section 92 of the Factories Act is not permissible if acquitted in criminal proceedings.
- Loss for three consecutive financial years shall be a ground to withdraw exemption under Act.

## KERALA HIGH COURT

- Where the allowance is universally and ordinarily paid to all employees, such emoluments are 'basic wages'.
- Special allowances, like HR and conveyance paid to some employees, will not be 'basic wages'.
- Delay for filing an appeal can be condoned up to a further 60 days subject to sufficient cause.
- If the employer does not raise objection against report of the Enforcement Officer, that will be taken as justified.
- Any variable earning from individual to individual will be excluded from 'basic wages'.

# IMPORTANT JUDGEMENTS (CONTD.)



## MADHYA PRADESH HIGH COURT

- **Assessment of EPF contributions without identifying beneficiaries is not sustainable.**

## MADRAS HIGH COURT

- **The appropriate government can correct clerical or arithmetical mistakes by fixing or revising minimum wages.**
- **An objection that domestic enquiry was not fair or proper, Labour Court has to decide as a preliminary issue.**
- **Overtime paid to workmen who worked on weekly off days, is not basic wages for EPF contributions.**
- **The Act will continue to be effective even though the employees' number is reduced below 20.**
- **Challenging show cause notice in a writ petition is not maintainable.**
- **Employees engaged directly or indirectly are coverable under the Act.**
- **EPF Authority has no power to condone the delay for the review petition beyond 45 days.**

# IMPORTANT JUDGEMENTS (CONTD.)

## ORISSA HIGH COURT

- Criminal proceedings under the Payment of Wages Act for implementation of the award are not tenable.
- Either appeal or review is the remedy to challenge an order u/s 7A of the Act.

## TELANGANA HIGH COURT

- Non-production of documents in possession of the employer will justify adverse inference against him.

## TRIPURA HIGH COURT

- Review petition if not filed in prescribed Form is liable to be rejected.

# STATUTORY NOTIFICATIONS/UPDATES



## NOTIFICATION – MINIMUM WAGES REVISION - MAHARASHTRA

The Government of Maharashtra, has released the revised minimum rates of variable dearness allowance, effective from 1st January 2023, which will be valid till 30th June 2023. [View Notification](#)

## NOTIFICATION – EXEMPTION FROM APPROVALS AND INSPECTIONS – MADHYA PRADESH

The Governor of Madhya Pradesh, has propagated the Madhya Pradesh Udyogon Ki Sthapna Evam Parichalan Ka Saralikaran Adhyadesh, 2023, providing exemption from approvals and inspections for establishing and operating an industrial unit in Madhya Pradesh. [View Notification](#)



# STATUTORY NOTIFICATIONS/UPDATES



## NOTIFICATION – EXTENSION OF MEDICAL BENEFITS – TAMIL NADU

The Government of Tamil Nadu, has extended medical benefits, provided under Regulation 95-A of the Employees' State Insurance (General) Regulations, 1950, to the families of all insured persons in the entire area of Thiruvallur district in the State of Tamil Nadu with effect from January 01, 2023. [View Notification](#)

## NOTIFICATION – EXTENSION OF MEDICAL BENEFITS – HP

The Government of Himachal Pradesh, has extended medical benefits, provided under Regulation 95-A of the Employees' State Insurance (General) Regulations, 1950, to the families of all insured persons in the entire area of Chamba, Kullu, Hamirpur, Kinnaur and Lahaul & Spiti" district in the State of Himachal Pradesh with effect from 01 January 2023.

[View Notification](#)

# STATUTORY NOTIFICATIONS/UPDATES



## NOTIFICATION – EXTENSION OF MEDICAL BENEFITS – MP

The Government of Madhya Pradesh, has extended medical benefits, provided under Regulation 95-A of the Employees' State Insurance (General) Regulations, 1950, to the families of all insured persons in the entire area of Sehore, Shajapur and Guna district in the State of Madhya Pradesh with effect from 1st January 2023. [View Notification](#)

## NOTIFICATION – MINIMUM WAGES REVISION - KERALA

The Government of Kerala, has revised the Consumer Price Index (Cost of Living Index) Numbers, updating the rate of variable dearness allowance for all the industries in the State of Kerala, with effect from 1st November 2022.

[View Notification](#)

## NOTIFICATION – MINIMUM WAGES – WEST BENGAL

The Government of West Bengal, has released the minimum rates of wages effective from 1st January 2023 to 30th June 2023. [View Notification](#)

# STATUTORY DUE DATES: FEB-2023



Name of Act	State	Remittance / Return	Frequency	Due Date
The Payment of Bonus Act	All	Unified Annual Return	Annual	01-Feb-23
The Contract Labour (R&A), Act 1970	All	Annual Return by Principal Employer	Annual	15-Feb-23
The Employees` Provident Funds & MP Act	All	Remittance	Monthly	15-Feb-23
The Employees` Provident Fund Act – International Worker Return	All	Return	Monthly	15-Feb-23
The Employees` State Insurance Act	All	Remittance	Monthly	15-Feb-23

# STATUTORY DUE DATES: FEB-2023



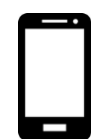
Name of Act	State	Remittance / Return	Frequency	Due Date
Workers Welfare Fund Act	Kerala	Remittance	Monthly	05-Feb-23
The Profession Tax Act	Andhra Pradesh	Remittance - Employee	Monthly	10-Feb-23
The Profession Tax Act	Andhra Pradesh	Return - Employee	Monthly	10-Feb-23
The Profession Tax Act	Madhya Pradesh	Remittance - Employee	Monthly	10-Feb-23
The Profession Tax Act	Telangana	Remittance - Employee	Monthly	10-Feb-23
The Profession Tax Act	Telangana	Return - Employee	Monthly	10-Feb-23
The Profession Tax Act	Gujarat	Remittance - Employee	Monthly	15-Feb-23
The Profession Tax Act	Karnataka	Remittance - Employee	Monthly	20-Feb-23
The Profession Tax Act	Karnataka	Return - Employee	Monthly	20-Feb-23
The Profession Tax Act	West Bengal	Remittance - Employee	Monthly	21-Feb-23

# STATUTORY DUE DATES: FEB-2023



Name of Act	State	Remittance / Return	Frequency	Due Date
The Profession Tax Act	Assam	Remittance - Employee	Monthly	28-Feb-23
The Profession Tax Act	Assam	Return - Employee	Monthly	28-Feb-23
Shops and Establishments Act	Maharashtra	Consolidated Return - Branch Wise	Annual	28-Feb-23
The Profession Tax Act	Maharashtra	Remittance - Employee	Monthly	28-Feb-23
The Profession Tax Act	Maharashtra	Return - Employee	Monthly	28-Feb-23
The Profession Tax Act	Manipur	Remittance - Employee	Monthly	28-Feb-23
The Profession Tax Act	Meghalaya	Remittance - Employee	Monthly	28-Feb-23
The Profession Tax Act	Mizoram	Remittance - Employee	Monthly	28-Feb-23
The Profession Tax Act	Nagaland	Remittance - Employee	Monthly	28-Feb-23
The Profession Tax Act	Odisha	Remittance - Employee	Monthly	28-Feb-23
The Profession Tax Act	Odisha	Return - Employee	Monthly	28-Feb-23
The Profession Tax Act	Punjab	Remittance - Employee	Monthly	28-Feb-23
The Profession Tax Act	Sikkim	Remittance - Employee	Monthly	28-Feb-23
The Profession Tax Act	Sikkim	Return - Employee	Monthly	28-Feb-23
The Profession Tax Act	Tripura	Remittance - Employee	Monthly	28-Feb-23

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