## GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI DIRECTORATE OF TRAINING & TECHNICAL EDUCATION MUNI MAYA RAM MARG, RITAMPURA, DELHI-110088 (COORDINATION BRANCH)

F 05(2)/2014/Cir./CDN/DTTE/ 154 - 160 Dated: 30/04/15

То

- 1. All Dy. Directors, DTTE(HQ).
- 2 All Asstt. Directors, DTTE(HQ.
- 3. Vice-Chancellor (DTU, IGDTUW)
- 4. Director(IIIT Delhi, NSIT)
- 5. All Principals (Degree Lavel Colleges, Polytechnics, ITIs.) under DTTE(HQ)
- 6 Controller, BTE.
- 7. All Branch Incharges, DTTE(HQ).

F.05(2)/2014/Cir./CDN/DTTE/ 161+163

Sub: Ensuring welfare and justice to the poorest of the poor i.e. your own workers drawing less than Rs. 15000/-

Sir,

Please find enclosed herewith a copy of letter no. F. 3/03/2013/Misc./AR/3455-3614 dated 17/04/2015, received from Dy. Director(AR), Administrative Reforms Department, Delhi Secretariat, New Delhi , on the subject cited above for appropriate action at your end.

Encl: As above.

Yours faithfully

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Dated: 30/04/15-

Copy to:-

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- PS to Secretary(TTE)for information please.
- 2 PS to Director (TTE) for information please.
- 3. The Asstt. Programmer, DTTE(HQ) with the request to upload the above noted information on the website of this Department.

(VIJAY CHANDNA) ADMINISTRATIVE OFFICER (CDN)

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GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI ADMINISTRATIVE REFORMS DEPARTMENT 7TH LEVEL, C-WING, DELHI SECRETARIAT, I.P.ESTATE, NEW DELHI-110002 email: arupdase@nic.in_Fax: 23392621	
No.3/03/2013/Misc./AR/3455-2614	Dated: 17/04/15
To All Pr. Secretaries/Secretaries/HODs, GNCT of Delhi, Delhi / New Delhi All MDs./Chairman of Local /Autonomous Bodies /Undertakings/Corporations, GNCT of Delhi, //Delhi / New Delhi	District & Session Judges, Tis Hazari, Karkardooma, Rohini, Dwarka, Saket, Patiala House Courts, Delhi /New Delhi The Commissioners, Municipal Corporation of Delhi, East, North, South Districts, Delhi / New Delhi
The Commissioner of Police, Delhi Police, Delhi/New Delhi	The Chairman/CEO NDMC/DJB, Delhi / New Delhi

Sub: Ensuring welfare and justice to the poorest of the poor i.e. your own workers drawing less than Rs. 15000/-

Si‡/Madam,

With reference to the subject cited above it is to bring you kind notice that it has been observed by EPF Organization that the contractors, who are providing human resources / outsource services to Govt. Offices/Organizations under GNCT of Delhi, claim provident fund on full salary/wages of employees from the Frincipal employer but do not deposit the Same with the EPFO, thus cheat both the Principal employers as well as such employees which is/a clear case of FIR u/s 418 of IPC. Under Para 29(3) of EPF Scheme, 1952 contribution for PE, Pension & Insurance benefits is payable on actual wages drawn. Subterfuge of law by showing monthly wages more than Rs. 15,000/- and actually paying lesser wages is not permissible.

In this era of contractualisation /actualization/outsourcing of various jobs, many poor employees actually drawing less than  $\overline{\mathbf{x}}$  15,000/- are being deprived from PF, Pension and Insurance benefits by contractors. Pfincipal Employees may/ may be not involved in this major area of evasion and grievances but it does not absolve them from their statutory obligations (under the law.

It is therefore, requested that all the employers/ offices under GNCT of Delhi taking such type of services or itself indulge in outsourcing of staff must ensure execution of legal provisions in true spirit by complying the following directions:

(i) Being Principal Employer you should ensure PF payments in respect of all the contractual employees, employed through contractors. In case the Principal employer is not covered under the EPF & MP Act, 1952, the dues can be deposited by the Principal Employer himself in PF Code No. allotted to such contractor after getting copy of separate Electronic Challan cum Return i.e. ECR and e-Challan from the contractor. ECR is employee wise monthly return showing PF wages & contributions etc.

(ii) Thus if it is not possible for Principal Employer to deposit PF dues in own code

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- (a) Many principal employers don't ask for copy of salary/wage register and ECR before releasing payments to contractors. Later, on contractors fied away/vanish. Thus they don't ensure deposit of PF dues regarding employees employed through contractors. Negligence of principal employers doesn't absolve: them from aforesaid statutory hability.
- (y) To avoid cheating through fake challens, Principal Employers should also verity veracity of challens submitted by employers from the website of the EPFO with reference of TRRN No. and list of employees in whose accounts deposits have been received by EPFO.
- (vi) To cross check further, they should check expassbooks generated by a few contractors/employees from EPFOs website to ensure deposit of full PF dues in the accounts of employees employed through contractors;
- (vii) In respect of the employees deployed in the uncovered issublishments as well as their own office employees, contractors should report compliance in their own P.F. code number.
- (viii) It is made clear that making payment to contractors contrary to legal provisions will not rantamount to valid discharge of statutoty obligations and principal employer will be liable for actions specified in the Act. It is not acceptable if simply some copies of challans of contractors by the principal employer are produced without specifically linking the same with copy of ECR showing employee wise P.F. dues regarding contractors employees working for him and ensuring compliance through credit of P.F. dues in their accounts.

All the Departments under GNCT of Delhi and Local Bodies/ Undertakings/ Autonomous Bodies/ Boards/ Corporations, Govt. of NCT. of Delhi must ensure full compliance to these statutory obligations under the law and to avoid any legal action.

Yours faithfully

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PH.:23392726

(AMITABH JOSHI) DEPUTY DIRECTOR (AR)