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F. No. 4(7)/Fin. (Estb-III)/15/part file/
GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
FINANCE (Estb.-III) DEPARTMENT
4TH LEVEL, 'A WING' DELHI SECRETARIAT
LP. ESTATE, NEW DELHI-110002.
CD:-012415196

Dated:- 16/11/18

CIRCULAR

Please find enclosed herewith the following letter no. ACC(DL&UK)/Regional Committee(37)/2012/Vol.II/937 dated: 25.10.2018 (alongwith enclosures) received from Employees' Provident Fund Organisation, Ministry of Labour & Employment, Government of India seeking information regarding Implementation of the Social Security benefits to the outsourced employees working under the GNCT of Delhi and Local Bodies / PSUs/Autonomous Bodies/Boards/Corporations of NCT of Delhi.- reg.

S. No.	Letter No. & date	Received from	Subject
1.	ACC(DL&UK)/Regional Committee(37)/2012/Vol.II/937 dated: 25.10.2018	Employees' Provident Fund Organisation, Ministry of Labour & Employment, Government of India	Implementation of the Social Security benefits to the outsourced employees working under the GNCT of Delhi and Local Bodies / PSUs/Autonomous Bodies/Boards/Corporations of NCT of Delhi.- reg

It is therefore requested to issue necessary direction to all your subordinate DDOs and all bodies such as Local Bodies /PSUs/Autonomous Bodies/Boards/Corporations of NCT of Delhi to ensure the Compliance with the provisions of EPF & Miscellaneous Provisions Act, 1952 and the Scheme framed thereunder in accordance with the letter (Supra) to provide Provident Fund, Pension and Insurance Benefits to your employees through contractors.


(MANOJ KUMAR)
DY. SECRETARY, FINANCE

To:-

1. All Pr.Secretaries/Secretaries/Head of Department(s) of all the departments/Autonomous Bodies/Corporations /Boards/PSUs/ Local Bodies under Govt. of NCT of Delhi.

Copy to:-

2. Sy. Analyst, Finance Department with the direction to upload the same on Website of Finance Department.

अपर केन्द्रीय भविष्य निधि आयुक्त का कार्यालय (दिल्ली एवं उत्तराखण्ड)
कर्मचारी भविष्य निधि संगठन-श्रम एवं रोजगार मंत्रालय भारत सरकार



EMPLOYEES' PROVIDENT FUND ORGANISATION
MINISTRY OF LABOUR & EMPLOYMENT, GOVERNMENT OF INDIA



भविष्य निधि भवन/ BHAVISHYANIDHI BHAWAN
सामुदायिक भवन वजीरपुर इंडस्ट्रियल एरिया दिल्ली -110052

दूरभाष/Phone: 011-27376784 फैक्स/Fax: 011-27376174

ईमेल:/ E-mail: acc.dlut@epfindia.gov.in

No. ACC(DL&UK)/Regional Committee(37)/2012/Vol.II/1937

Dated: 25.10.2018

To

Smt.Renu Sharma, IAS, Principal Secretary
Department of Finance
Govt. of NCT of Delhi, A-Wing
Delhi Secretariat, IP Estate, New Delhi.

Sub: Implementation of the social security benefits to the outsourced employees working under the Govt. of NCT of Delhi and Local bodies/PSUs/Autonomous Bodies/ Boards/ Corporations of NCT of Delhi -reg.

Madausir,

Various Delhi Government Departments, PSUs, State Co-operatives and other Autonomous bodies working in the NCT of Delhi employs a large number of staff on outsourced basis. However all such employees are yet to be extended social security benefits under the Employees' Provident Fund & Miscellaneous Provisions Act, 1952 and the Schemes framed thereunder despite Govt. of NCT direction vide letter no. 3/03/2013/Misc./AR/3455-3614 dated 17.04.2015. (Copy enclosed).

2. It is therefore, once again requested to issue necessary direction to all your subordinate DDOs and all bodies such as Local bodies/PSUs/Autonomous Bodies/ Boards/ Corporations of NCT of Delhi to ensure the compliance with the provisions of Employees' Provident Fund & Miscellaneous Provisions Act, 1952 and the Scheme framed thereunder in accordance with the letter (Supra) to provide Provident Fund, pension and insurance benefits upto 6 Lacs to your own employees deployed through contractors.

Yours faithfully,

Encl: a/a.

(K.L.Paneja)

Additional Central P.F. Commissioner (HQ)
(Delhi & Uttarakhand)

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DSF/V 9/11
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D/SK
S/SK

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
 ADMINISTRATIVE REFORMS DEPARTMENT
 7TH FLOOR, C-WING, DELHI SECRETARIAT,
 RE-ESTATE, NEW DELHI-110002
 email: suupdate@nic.in Fax: 23392621

Dated: 17/04/15

No.3/03/2013/Misc./AR/2455-2614

To All Pr. Secretaries/Secretaries/ HODs,
 GNCT of Delhi,
 Delhi / New Delhi

District & Session Judges,
 Tis Hazari, Karkardooma, Rohini,
 Dwarka, Saket, Patiala House Courts,
 Delhi / New Delhi

All MDs./Chairman of Local /Autonomous
 Bodies /Undertakings/Corporations,
 GNCT of Delhi,
 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/-

Sir/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 Principal employer, but do not deposit the same with the EPFO, thus cheat both the Principal employer 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 PF, 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/outourcing of various jobs, many poor employees actually drawing less than ₹ 15,000/- are being deprived from PF, Pension and Insurance benefits by contractors. Principal Employers 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:

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27/4/15

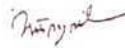
- (i) Being Principal Employer you should ensure PF payments in respect of all the contractual employees, employed through contractors. In case the Principal employer is not covered under the EPF & MP Act, 1952, the dues can be deposited by the Principal Employer himself in PF Code No. allotted to such 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 number/code number of Contractor then following actions be taken to ensure benefits to workers deployed through contractors.

Handwritten signatures and notes:
 Pl. Retup as file
 (A)
 (A)
 15/4/15

- (iii) Principal employers should obtain copies of salary/wages registers signed by employees indicating PF Account numbers along with soft copy of ECR and ask contractors to deposit separate e-challans in respect of employees employed through contractor. Depositing one challan for labour supplied at various establishments keeps principal employers in dark and gives opportunity to contractors to cheat principal employers and employees both. Many contractors show copy of one consolidated challan to several principal employers without linking it up with ECR.
- (iv) Many principal employers don't ask for copy of salary/wage register and ECR before releasing payments to contractors. Later on contractors fled 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 liability.
- (v) To avoid cheating through fake challans Principal Employers should also verify veracity of challans 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 e-passbooks generated by a few contractors/employees from EPFO's 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 establishments 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 tantamount to valid discharge of statutory 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



(AMITABH JOSHI)
DEPUTY DIRECTOR (AR)
PH.:23392726