

Before the Regional Provident Fund Commissioner at Ahmedabad.

In the matter of an inquiry under section 7A
of the Employees' Provident Funds and
Miscellaneous Provisions Act 1952.

And in the matter of determination of Provident
Fund Dues in respect of the employees' of
M/s Patel Jivrajbhai Bidi Works, M/s Shreenathji
Trading Company, M/s. Jivrajbhai Ganeshbhai
and M/s. Ranchhodrai Bidi Trading Company.

May it please your honour,

Self Employed Women's Association (SEWA), Ahmedabad, (here in after referred to as Representative of the Employees) most respectfully beg to submit as under:

1. The Present inquiry has been initiated pursuant to orders dated 23rd April 1999 and the orders dated 23rd June 1999 of the Hon'ble High Court of Gujarat, in Special Civil Application No. 3978 of 1998.
2. In the present inquiry of determination of Provident Fund dues from May 1977, the following records are necessary. The Hon'ble Commissioner may kindly issue suitable directions to the aforesaid establishments to produce the same in order to facilitate the determination of dues.
 - (A) Muster Roll from May 1977 to August 1999
 - (B) Wage registers May 1977 to August 1999
 - (C) Corresponding cash books and ledgers for the period from May 1977 to August 1999
 - (D) Bonus registers in form no A, form no B and form no C for the period from May 1977 to August 1999
 - (E) Leave registers/ leave records of the employees for the period from May 1977 to August 1999
 - (F) Attendance Summary register("Tarvani Patrak")
3. SEWA further submits that an award dated 18th June 1990 has been passed by the Hon'ble Industrial Tribunal, Ahmedabad in Reference (IT) no. 32 of 89 between M/s. Patel Jivraj Beedi Works and Three others versus IT's workman represented by SEWA. The said award is submitted to establish that all the 157 persons shown in the annexure are the employees of the said four establishments. The annexure further shows that all these 157 employees have been paid certain compensation shown against the name of each employee on the basis of a statement submitted here with the said statement discloses the name of the employee, period of service.
4. SEWA further submits that the Government of Gujarat has fixed Minimum Wages of the tobacco and bidi workers with effect from 15th July, 1981. All the aforesaid establishments are statutorily required to pay the Minimum Wages (basic pay + special allowance) as have been fixed from time to time. These Minimum Wages are required to be treated as the wages payable by the establishments for all purposes. The establishments should therefore be directed to pay the Provident Fund contribution/dues on the basis of Minimum Wages payable by them from time to time. A statement showing the basic wages + special allowance right from the year 1981 to September 1998 is annexed herewith.
5. SEWA reserves its rights to submit further reply as and when required.

Ahmedabad

Date: 28th September 1999

Mand. Shah