



Himachal Pradesh
Public Works Department

0177-2621401
e-mail: pwd-hp@nic.in
No. PW-CTR- 29-2274/2015- 16189- 225

Dated: 14/3/2016

To

All the Chief Engineers
Working in HP PWD
(Including Chief Engineer, NH)

All the Superintending Engineers (Civil)
(Including National Highway, Electrical & Mechanical.)

Subject: -

**Employees Provident Fund and Miscellaneous Provisions Act,
1952(Implementation of provision thereof.)**

This is in continuation of this office letter No. PW-CTR-29-2285(EPF Instruction)/2015-13503-13532 dated 10-12-2015 & even No.15627-60 dated 29-02-2016 vide which necessary instructions regarding implementation of Employees Provident Fund and Miscellaneous Provisions Act, 1952 have been issued to all the field offices for strict compliance. Now a photocopy of letter No. RO/HP/Intelligence/construction Workers-20643 dated 19-02-2016 received from the Employee Provident Fund Commissioner, in which clear instructions for EPF deductions have been conveyed, is being sent for strict compliance. It is also intimated that this may be inserted in General Rules & Direction (condition No. 25A) in Standard Bidding Document as under: -

25 "A" The contractor will have to submit the proof of registration under Employees Provident Funds & Miscellaneous Provision Act., 1952 at the time of tender. Failure to observe this condition shall render the tender of the contractor ~~un~~ liable to summary rejection."

You are, therefore, once again requested to look into the matter personally & ensure compliance as per Section 8A of EPF & MP Act, 1952 and Para 30 of EPF Scheme, 1952. Any laxity in its implementation will be viewed seriously.

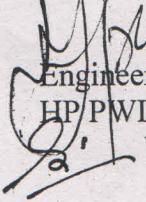
Encl: As above

Mr
Engineer-in-Chief,
HP PWD Shimla-2

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Copy forwarded to:

- 1 The Additional Chief Secretary (PW) to the Government of Himachal Pradesh, Shimla-2 for information please.
- 2 The Assistant Provident Fund Commissioner, Block No. 34, I & II Floor, SDA Complex Kasumpti, Shimla -9 H.P.
- 3 The Executive Engineer (IT) for necessary action. He is requested to upload the same ~~&~~ the Departmental website & also insert the same condition in the Bidding Document.


Engineer-in-Chief,
HP PWD, Shimla-2



क्षेत्रीय कार्यालय / Regional Office

कर्मचारी भविष्य निधि संगठन

EMPLOYEES' PROVIDENT FUND ORGANISATION

श्रम एवं रोजगार मंत्रालय, भारत सरकार

Ministry of Labour & Employment, Govt. of India

ब्लॉक नं 34, एसोडी०४० कम्पलैक्स, कसुमटी, शिमला-१७१००९ (हि०प्र०)
Block No. 34, I & II Floor, SDA Complex, Kasumoti, Shimla-9 (H. P.)

STD Code : 0177
दूरभाष 2623023
Telephone 2624620
फैक्स 2627684
Fax 2623197

No.RO/HP/Intelligence/Construction Workers/ २०६४३

Dated: १९ फेब्रुअरी २०१६

To

Engineer-in-Chief, HPPWD,
Nirman Bhawan, Nigam Vihar,
Shimla, Himachal Pradesh- 171002

Subject: Employees Provident Funds and Miscellaneous Provision Act, 1952
(Implementation of Provision thereof.)

Sir,

Kindly refer to your office letter no.PW-CTR-29-2285(EPF Instructions)/2015-13503-13532 dated 10.12.2015 on the above mentioned subject.

In this regard, it is further requested that it may be ensure the compliance as per Section 8A of EPF & MP Act, 1952 and Para 30 of EPF Scheme, 1952. Section 8A of EPF & MP Act and Para 30 of EPF Scheme, 1952 describe that:-

8-A. Recovery of moneys by employers and contractors- (1) [The amount of contribution (that is to say the employer's contribution as well as the employees' contribution in pursuance of any Scheme and the employer's contribution in pursuance of the Insurance Scheme)] and any charges for meeting the cost of administering the Fund paid or payable by an employer in respect of an employee employed by or through a contractor may be recovered by such employer from the contractor, either by deduction from any amount payable to the contractor under any contract or as a debt payable by the contractor.

(2) A contractor from whom the amounts mentioned in sub-section (1) may be recovered in respect of any employee employed by or through him, may recover from such employee the employee's contribution [under any Scheme] by deduction from the basic wages, dearness allowance and retaining allowance (if any) payable to such employee.

(3) Notwithstanding any contract to the contrary, no contractor shall be entitled to deduct the employer's contribution or the charges referred to in sub-section (1) from the basic wages, dearness allowance, and retaining allowance (if any) payable to an employee employed by or through him or otherwise to recover such contribution or charges from such employee.

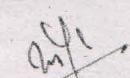
Para 30. Payment of contributions- (1) The employer shall, in the first instance, pay both the contribution payable by himself (in this Scheme referred to as the employer's contribution) and also, on behalf of the member employed by him directly or by or through a contractor, the contribution payable by such member (in this Scheme referred to as the member's contribution).

(2) In respect of employees employed by or through a contractor, the contractor shall recover the contribution payable by such employee (in this Scheme referred to as the member's contribution) and shall pay to the principal employer the amount of member's contribution so deducted together with an equal amount of contribution (in this Scheme referred to as the employer's contribution) and also administrative charges.

(3) It shall be the responsibility of the principal employer to pay both the contribution payable by himself in respect of the employees directly employed by him and also in respect of the employees employed by or through a contractor and also administrative charges.

Keeping in view the above it is requested to issue necessary guidelines to all the concerned officers/officials of your department to ensure compliance as per the Section and Para mentioned above and ensure deposition of PF and allied dues before releasing the final payment to the contractor.

Yours faithfully,


(K. C. Joshi)
Assistant PF Commissioner