



कर्मचारी भविष्य निधि संगठन
Employees' Provident Fund Organisation
(भ्रम एवं रोजगार मंत्रालय, भारत सरकार)
(Ministry of Labour & Employment, Govt. Of India).
(मुख्य कार्यालय) / Corporate Headquarters
भविष्य निधि भवन, 14 भीकाएजी कामा प्लेस, नई दिल्ली - 110066.
Bhavishya Nidhi Bhawan, 14-Bhukaji Cama Place, New Delhi-110066



No. LC-4/22/07/Sewa International/

Dated:

To

All Regional PF Commissioners,
In-charge of the Regions.

23 JUN 2009

Sub.: Powers exercised under section 7A of the Act – legal opinion – reg.

Sir,

Legal opinion as regards protection provided under the law for officers discharging quasi-judicial function as part of their duties obtained from the Legal Advisor, Ministry of Labour & Employment in the context of an important case under the consideration of the Ministry of Labour & Employment and forwarded to this office is reproduced hereunder for the guidance of all concerned officers :-

"..... Perusal of the provisions of Section 7A reveals that the powers exercised under section 7A of the Act are 'judicial proceedings' within the meaning of Section 193 and 228 and for the purpose of 196 of IPC. The same are appealable and hence may attract Section 1 of the Judicial Officers Protection Act, 1850 which reads as under :-

"1. Non-liability to suit of officers acting judicially, for official acts done in good faith, and of officers executing warrants and orders – No judge, Magistrate, Justice of the Peace, Collector or other person acting judicially shall be liable to be sued in any Civil Court for any act done or ordered to be done by him in discharge of his judicial duty, whether or not within the limits of his jurisdiction:

Provided that he at the time, in good faith, believed himself to have jurisdiction to do or order the act complained of; and no officer of any Court or other person, bound to execute the lawful warrants or orders of any such judge, Magistrate, Justice of the Peace, Collector or other person acting judicially shall be liable to be sued in any Civil Court, for the execution of any warrant or order, which he would be bound to execute, if within the jurisdiction of the person issuing the same."

(authority Joint Secretary, MOL&E D.O. No. S-38016/18/2007-SS.I dated 12.5.09)

This issues with the approval of the Central PF Commissioner.

Yours Faithfully,

(P. Sudhakar Babu)

Addl. Central PF Commissioner (Compliance)

Copy to:

1. FA & CAO / All ACCs in Head Office / CVO / All Zonal ACCs / Chief Engineer
2. Director (Audit) / Zonal Audit Officers
3. Director, NATRSS / All ZTIs Training Institutes
4. All RPFCs / APFCs in Head Office
5. RPFC (NDC) – for hosting the circular on the website
6. PS to Central PF Commissioner

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