

CROWDSOURCED WEBINAR

Payroll | Taxation | Compliance | Accounting
Completely run by the Audience
Articulated by Akash

August 2022

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CROWDSOURCING





TOPICS FOR TODAY



Legalities regarding
Offer Letter /
Appointment Order &
its validity



A few updates in Payroll /
compliance space



NEXT





QUESTION # 1

Can an employee work for multiple employers simultaneously?





MULTIPLE EMPLOYERS

Working within the same industry / trade
- Non-Compete

Working outside the same industry / trade
- Office of Profit





MULTIPLE EMPLOYERS

Office of Profit Examples





NEXT



NON COMPETE

- Restriction to engage with competitors in any capacity
- Restriction on operating your own business in a similar industry
- Restriction to solicit or engage employer's resources and consultants or approach employer's clients
- Restriction on working in the same geographical location





QUESTION # 2

Is non-compete clause on employment contracts
legally binding?





GOVERNING STATUTES



Constitution of India
Article 19 (1)(g)

*to practise any profession, or to carry
on any occupation, trade or business*



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GOVERNING STATUTES



Indian Contract Act, 1872
Section 27

Every agreement by which anyone is restrained from exercising a lawful profession or trade or business of any kind, is to that extent void



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Exception : Good-will

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WHAT THE COURTS SAY?

Bombay High Court in the case of Tapas Kanti Mandal v. Cosmos Films Ltd, held that negative restrictive covenant post employment period is not enforceable

In the year 2006, a two Judge Bench of the Supreme Court in Percept D'Mark (India) (P) Ltd. v. Zaheer Khan & Ors refused enforcement of a post-employment restriction

Hon'ble Supreme Court in Superintendence Company of India (P) Ltd. v. Krishan Murgai, the bench held there could be no post-employment restriction

Brahmaputra Tea Co., Ltd. v. Scarth, Niranjana Shankar Golikari v. Century Spinning & Manufacturing Co. Ltd.





WHAT THE COURTS SAY?

Exceptions?

Select Industries, Select Positions, Select Situations

Test of reasonableness & fairness





IN SUMMARY

Define Non-Compete & Office of Profit in your HR policies as per business needs

Non-Compete Post Employment clause is invalid

Test Reasonableness of any restrictive clauses



NEXT



Some Facts

13

Years & young

153

Clients & counting

12L

transactions / Q

99.49

Accuracy rates

16

Cities

4.76L

Form 16's issued

13

What we do



Payroll

Payroll Outsourcing
Payroll Lodgement
In Premise Payroll
Payroll Audits



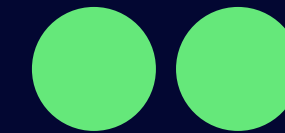
Taxation

TDS Audits
TDS Compliance
End to End
Management



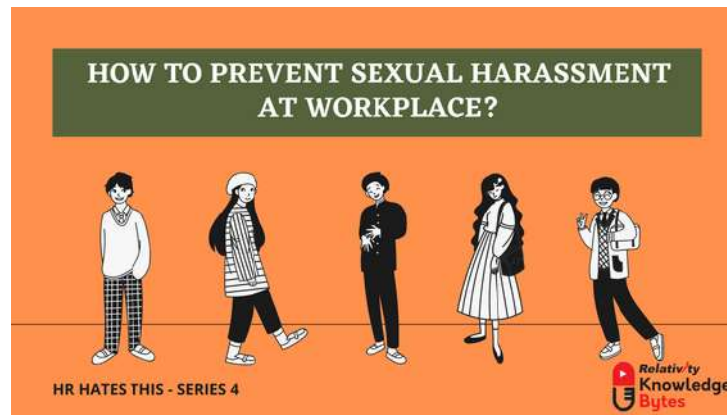
Compliance

PF/ESI/PT
Labour Laws
Shops & Est. Act
Compliance Audits

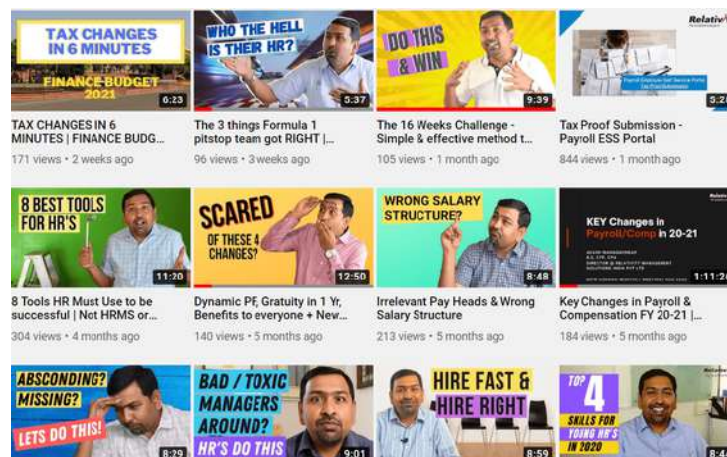


Accounting

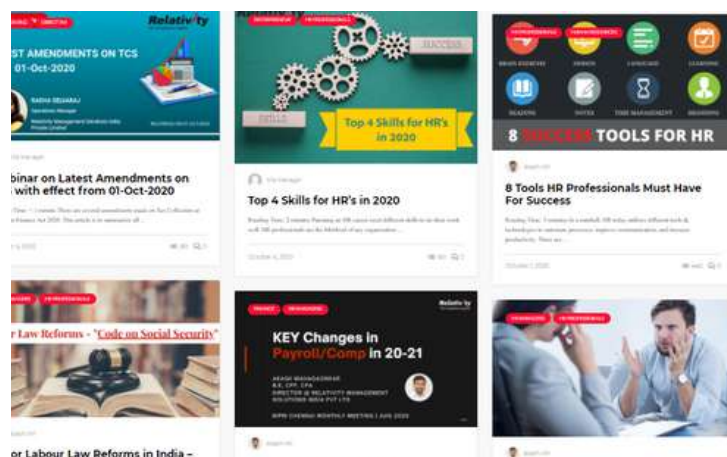
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