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February 28th, 2022

To,

**Ms. Neelam Shami Rao, IAS,
Central Provident Fund Commissioner,
Employees Provident Fund Organisation,
NEW DELHI 110 066**

**Subject: Comments on the draft transfer policy for
Commissioner Cadre - regarding**

Ma'am,

This is with reference to the draft transfer policy for Commissioner Cadre circulated vide HO letter dated 24.02.2022 for seeking comments from the stake holders. In this regard it is submitted that the EPFOA had requested all officer-members to submit their comments to EPFOA so as to provide duly compiled comments to the HO. Accordingly a number of officers had submitted their comments to EPFOA, which were discussed in the Central Executive meeting of EPFOA, and accordingly the duly compiled comments on the draft transfer policy are hereby forwarded to HO with this letter for kind consideration & necessary action please.

Thanking you.

Yours sincerely,

A. Avami

(Saurabh Swami)
Secretary-General

Suggestions/ Comments / Views on various provisions of “Draft Transfer Policy for Commissioner’s Cadre - 2022” as sought vide Head Office, Letter No. - HRD/3/2015/TransferPolicy/566 Dt. 24.02.2022.

Paragraph No. of TP-CC	Relevant Content of Policy	Suggestions / Comments / Views upon the content of Paragraph
1.1	Transfer Policy for Commissioner Cadre 2022.	<p>Clause mentioning “will come into effect prospectively” or “will consider the eligibilities based on this policy after 06.01.2016, the date on which current policy came into effect as per the instructions of Supreme Court of India in case of Writ Petition (Civil) No.82 of 2011(T.S.R Subramanian & ORS. Vs. Union of India & Ors. Judgement dated 31.10.2013.” should be appended in order to ensure better implementation of policy.</p> <p>(The “tenures” etc should be counted prospectively or at the very least from 06-01-2016)</p>
2.2.iii	During the first three tenures a Commissioner should not be considered for deputation.	“Deputation” is not a subject matter of Transfer Policy in an Organisation / Department therefore this clause may be removed from the content of Policy.
2.5 & 2.8	Both these paras uses term “suitability”	Term “suitability” is a very subjective expression and prone to misuse. It should not find mention in a transfer policy which seeks to establish objective criterion for transfer.
2.7 Can be given additional charge for some time. These shall be called “Blocked Posts” and no transfers will be made to these blocked posts in that Financial Year provided vacancies are filled by way of recruitment/promotion.	<p>“urgency” & “Blocked Posts’ ’, very significantly blocks the transparency of Transfer Policy and it needs to be removed. At the same time, in order to reserve some necessary discretionary powers a clause “exercised options and available vacancy does not entail any right to claim posting on certain posts and places” may be added at appropriate places.</p> <p>The term “additional charge” “shall be granted for a period 3 months at a time and a maximum period of 6 months within which necessary procedure be completed to place a regular occupant to relevant post” in order to stop any misuse of discretion to give additional charge.</p> <p>Further, the additional charge should always be assigned to an officer of same rank and not to any junior ranked officer.</p>
2.14	All grievances arising out of transfers shall be addressed in a time bound manner in accordance with the provisions of this TP-CC.	Time limit for grievance redressal regarding transfer orders should be provided in a separate paragraph in the form of a certain matrix as provisions at different places contradict each other.
2.15	Composite Transfer Grant, Joining Time and other benefits pursuant to transfer shall not be admitted, in case	Provision is available in the existing Transfer Policy i.e. to grant Composite Transfer Grant, Joining Time and Other benefits pursuant to

	request for transfer.....	transfer may be provided for transfer on request after a tenure of more than or equal to 2 years should remain intact.
2.16	The requests received from the Commissioners on account of compassionate grounds will also be dealt with restricted to 5% of the total transfers	The mathematical limitation of Compassionate grounds would deny the entitlement of transfer on request. It makes the policy blatantly inhumane as human plight can't be measured in term of numbers. Therefore, it is requested to remove such restrictions. Further, the matrix appended to transfer policy may be operated for regular transfers also and not only request-transfers.
3.4 & 7.1	All instances where advice of the CTC is not adhered to or rejected by the Competent Authority, the reasons in full shall be recorded for such decisions and uploaded in HRSoft	Clause "accessible through logins of all the officers under consideration of a particular AGT only" be appended.
4.1	A tenure means three years of continuous posting in a particular post,	Clause "in a particular post" makes it susceptible to subvert the intent of defining tenure hence it may please be changed to "in a particular Station"
4.1.i	The period of Tenure shall be counted from the date of joining and not from the date of the order.	Calculation from date of joining may place some people at undue advantage or disadvantage only because of them honouring the orders and joining without availing Joining time hence it is suggested to discount the joining time while considering the date of joining.
4.2.i	On completion of one tenure at a post;	No provision has been made for counting the broken period of tenure for various administrative grounds causing transfer before completion of tenure. Any broken period that was caused because of transfers made due to reasons other than AGT should not be considered as tenure. Any length of posting caused by transfers on the basis of AGT should be considered as tenure.
4.2.ii	On completion of three tenures in entire service within a geographical entity of Zone and in case a State has many Zones (eg.Maharashtra), then from that State after four tenures in entire service as well;	This should be reframed in order to remove discriminatory treatment between zones and NCR, as under: "On completion of three continuous tenures within a geographical entity of Zone and in case a State has many Zones (e.g. Maharashtra), then from that State after four tenures. Provided that after one tenure outside such zone one becomes eligible to get posted in the said zone"
4.2.iii	On completion of three continuous tenures in NCR of Delhi (as notified by Government of India from time to time);	This should be reframed in order to remove discriminatory treatment between zones and NCR, as under: "On completion of three continuous tenures in NCR of Delhi (as notified by Government of India from time to time), Provided that after one tenure outside NCR of Delhi one becomes eligible to get posted in NCR of Delhi."

4.3.i.c	On completion of one tenure as an OIC at 'X' Category Station, no rotation to another 'X' Category Station.	To ensure maximum opportunity to maximum of the people this paragraph should be reframed as under: "On completion of one tenure as an OIC at "X" category station, no continuous rotation as OIC to another "X" category rotation."
4.3.ii	All APFC after training and completion of probation/ promotion should be posted as an OIC at the District Office level	Given that maximum work load lies in Regional Offices this paragraph may be reframed as under: " All APFCs after training and completion of probation / promotion should be posted preferably in ROs & DOs in "Y" and "Z" category station" "NOTE: Attention of HRD is drawn to the fact that this will leave the Offices in "X" category station understaffed in terms of sanctioned posts at ROs and available APFCs for posting at these places."
4.5.ii & iii	Each APFC / RPFC shall serve at least one "Field" and one "Non Field" Posting in a block of three continuous Tenures. Each RPFC-I/II shall serve at least one tenure at Headquarters or Training Institute in a block of 4 tenures.	As HeadQuarters and Training Institute are already defined as "Non- field" posting, and further as operating the change from field to non-field at short intervals would leave less than required for field and more than required for non-field therefore these two paragraphs may be merged to one as under: "Each APFC / RPFC- II/ RPFC- I shall serve at least one "Field" and one "Non-field" posting in a block of 4 Continuous tenures"
4.5.iv	Each ACC shall be rotated between "Field" and "Non-Field" posting alternately. In no case an ACC will be posted back to the same State.	Here the last clause "back to the same state" may be replaced with "back to the same Zone" as it will ensure enough ACCs for posting in big states.
4.5. iv, v, vi	When these three sub clauses are read together it creates a kind of confusion about posting in the same office.	4.5 (iv) and (vi) states about no repeated posting in the same office/ state whereas 4.5 (v) provides for two postings in the same office. This needs to be clarified for a clear understanding. Further (vi) mentions "term" instead of "tenure" The expression "tenure" may be used uniformly.
4.6	Tenure of posting in North-Eastern Region (NER) and Andaman & Nicobar Islands shall be guided by the policy of Government of India on transfer and tenure for such places.	This may be reframed as under: Tenure and other admissible benefits of posting in North-Eastern Region (NER) and Andaman & Nicobar Islands and other special areas notified, as and when notified by government of India, shall be guided by the policy of Government of India on transfer and tenure for such places.
4.6 and 5.6	Priority Matrix for Spouse Ground.	Weightage as per Annexure – I for spouse ground is dismissing the ground itself whereas the instruction by DoPT provides for mandatory posting of married couples on the same station. Hence this ground should be considered separately as per provisions promulgated by DoP&T. Further this ground should be considered in case of all kinds of occupations in the private

		<p>sector also. Furthermore, such consideration should be available to persons under consideration for transfer under regular transfer also.</p> <p>Maintenance & Welfare of Parents & Senior citizens Act 2007 makes the children responsible for welfare of Senior Citizens & parents. The policy should have some weightage for this also in request transfer</p>
5.4.ii	Identify posts that are under zone of consideration of transfer as based on the norms laid in Para 4 of TP-CC and thus are available for AGT.	A line to effect the mandatory publication of such identified post should be in public domain as was being made available under the current procedure of AGT may please be appended.
5.6	Priority matrix Annexure - 1	<p>For those whose children have to appear in 9th, 10th, 11th or 12th exam the clause of one or two years extension, as the case may be, beyond tenure may be included.</p> <p>For those who have a child with special ability may be transferred in accordance with the separate OM of DoP&T in this regard, i.e. F. No. 42011/3/2014-Estt.(Res) Dt. 8.10.2011.</p>
5.15	Time schedule for various procedures/actions related to the Annual General Transfer shall be as prescribed in the Table below.....	There are inconsistencies... regarding timelines specified for disposal of grievances in para 5.15, 6.8 and 6.9 [10 days, 3 months, suitable time]. This needs to be made consistent and reasons for rejection of grievance redressal application may be made public. It will add to the commitment towards transparency.
6.1	Every Commissioner aggrieved by an order of transfer of a request has a right to make application before the Competent Authority within three days of issue of such order	In order to provide real and valid relief to aggrieved Commissioner a clause "Aggrieved officer should not be relieved from his existing place of posting till the time the first grievance against transfer non-transfer has been responded upon conclusively by the competent authority." may be added.
7.4 shall entitle the officer for the continued retention of the residential accommodation owned by the Board till the end.....	<p>Word, "owned" be replaced by "owned and hired by the Board may be added.</p> <p>[Rule 3(m), Employees Provident Fund, Central Board Employees (Allotment of Residence) Rules, 1972, stipulates that "residence" means residence hired or owned by the Central Board; Leased accommodation is accommodation hired by the Central Board]. . It will then allow retention of leased accommodation also of officers, like EPFO quarters.</p>
Miscellaneous suggestions	<ol style="list-style-type: none"> 1. RPFC-II & APFC should be posted in all Field offices in the ratio of 40: 60 to meet administrative requirements for smooth service delivery. 2. For those whose children have to appear in 10th or 12th exam the clause of one year extension beyond tenure may be included 3. There should be weightage for HO posting in priority matrix. 4. If one has been transferred on administrative ground before completion of 	

	tenure at one place then one's request for transfer in the next cycle, if approved, may be treated as regular transfer, allowing due transfer entitlements.
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