



**EMPLOYEES' PROVIDENT FUND OFFICERS' ASSOCIATION**  
**EMPLOYEES' PROVIDENT FUND ORGANISATION**  
**MINISTRY OF LABOUR and Employment, Government of India**  
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(Regn. No. 33/2015)

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1st October, 2018

To,

**The Central Provident Fund Commissioner,  
Employees' Provident Fund Organisation,  
NEW DELHI 110 066**

**Subject: Submission of meeting agenda for discussion of  
pending officers' and organisational issues - Reg.**

Respected Sir,

I would like to thank you for the appointment given to us for a courtesy and introductory meeting on 19.09.2018 and for consenting to a detailed agenda-based meeting with the EPF Officers' Association at a date in near future.

In accordance with the discussion held with your good self on above date, the undersigned is hereby submitting an agenda of certain important issues related to EPFO officers as well as the organisation with a request to fix an early appointment to discuss the same, preferably in the first half of the month of October 2018.

The proposed agenda for the meeting is submitted as below for your kind consideration:

## **1. Grant of one-time relaxation for promotion to the posts of ACC and RPFC-II**

It is submitted that there exist a number of officers who are due for promotion to the post of Additional Central P.F. Commissioner (ACC) as per the Recruitment Rules (RR) of the said post. These officers have completed three years in Pay level 13 (Grade Pay Rs 8700), which is the prescribed service eligibility for promotion to post of ACC as per RR. However, the Ministry has taken a stand that the Pay Level -13 is not a substantive post in EPFO. It may kindly be considered that in the RR for the post of ACC, the "Note" does not state anywhere that the post at pay level-13 should have been substantive post. Therefore, the stand of the Ministry in the matter needs re-examination.

It is further requested that as the concerned officers have already been waiting for their promotions for a long time, it may kindly be considered that these officers may be granted relaxation in service eligibility for promotion to the post of ACC, pending re-examination of the Ministry's stand in the said matter as requested above.

As regards to promotion to the post of Regional P.F. Commissioner -II, it is submitted that there are two category of officers both of which require your due consideration for grant of relaxation.

First category of officers belong to the direct recruitment (DR) category. These officers joined EPFO in the year 2014, and a section of these officers shall be eligible for promotion to the post of RPFC-II on 01.01.2019. These officers shall, therefore, be eligible for promotion without requiring any relaxation. However, due to the change in eligibility year from financial year to calendar year by the government, a significant number of their batchmates shall not be eligible for promotion till 01.01.2020. Therefore, these officers who shall be eligible for promotion only on 01.01.2020, shall be penalised for an entire year due to a simple technical issue.

Second, category of officers belong to the departmental promotee (DP) category. These officers were granted promotion to post of APFC on ad-hoc basis in the year 2009, and were regularised in the years 2014/2015. Many such officers shall be retiring soon. Therefore, on sympathetic grounds, these category of officers require your kind intervention for grant of relaxation in service eligibility for promotion to the post of RPFC-II. It is submitted that there is precedence of the same in EPFO wherein certain officers were promoted from APFC to RPFC-II in the year 2013, these officers had less than 2 years of regular service in the APFC cadre. It is hence requested that their issue may be duly considered.

It is also submitted that the above demand of EPFOA is in line with the norm and practise across all similar organisations, where the vacant posts created by way of cadre restructuring exercise are routinely filled by granting one-time relaxations to all concerned officers.

## **2. Grant of MACP benefits to eligible officers**

It is submitted that there certain category of officers who have been promoted from Group-B to Group-A as APFC, but these officers have not been granted the Modified Assured Career Progression (MACP) benefits that were due to them. As you are aware, the MACP scheme provides

for three financial upgradation in the whole career of an officer (at 10, 20 & 30 years), and in view of the acute stagnation faced by the officers in EPFO, it becomes all the more necessary to timely implement and make available MACP benefits due to the eligible officers. Many direct recruit (DR) EO/AO of 1992/1995 batches, presently working as APFCs, and other promotee EPF officers are yet to receive their due benefits despite numerous representations to the management.

### **3. Confirmation of direct recruit (DR) APFC who have completed their probation period**

It is submitted that there are a number of directly recruited APFCs who have completed their prescribed probation period in EPFO, but they have not yet been confirmed in their service by the organisation. The said confirmation has been kept pending due to want of police verification reports and performance evaluation reports of some of the officers. In this regard it may be considered that there cannot be an endless wait for the same and similar time-line policy as applicable in case of APAR may be applied in such cases too and confirmation may be granted immediately as an individual officer should not be punished for administrative delay which is beyond his control.

### **4. Grant of NFSG to eligible officers**

It is submitted that NFSG pay scale at Pay Level -13 (erstwhile Pay Band-4, Grade Pay Rs 8700/-) was earlier being granted to EPF officers after completing eligible service. However, same is not being granted now to eligible officers on the grounds of a CAG audit objection that same pay scale for functional posts and non functional posts cannot co-exist. In this regard it is submitted that the earlier grant of NFSG to EPF officers was with due permission of the Ministry of Labour vide letter dated 30.01.2006. The audit had objected to grant of both functional as well as non-functional level posts at the same Grade Pay of Rs 8700. But it may kindly be appreciated that the said dispensation of both types of posts existing at same grade pay was with due approval of the Ministry of Labour, and therefore the said audit objection should have been against the Ministry itself and not against EPFO. It is also intimated that those officers who were granted NFSG prior to above audit objection are still continuing to enjoy the said benefit, and it has been not been granted to only those officers who became eligible for the same post audit objection. This issue has been referred to the Ministry for re-examination and the matter is still pending with the Ministry.

Thereafter during the cadre restructuring exercise, the functional post at Grade Pay of Rs 8700 was abolished and non-functional post was constituted at said pay level by EPFO with due approval of all competent authorities. Now, post-cadre restructuring, CAG audit itself has modified its para to read as *“The Central Board of EPFO vide office order no. HRM-I/D-1(1)2017/CR/26417 dated 13.01.2017 has been granted the powers to create posts up to the level of Joint Secretary of Government of India, clearing the way for further grant of NFSG in EPFO.”*

Now, since from 16.03.2018 (i.e. the date of notification of RR of ACC at Grade Pay of Rs 8900), there is no technical, legal or audit issues in grant of NFSG to eligible officers, EPFO should have initiated the process for constitution of Screening Committee for grant of NFSG to eligible officers. However, even this matter of grant of NFSG post-cadre restructuring and abolishing of functional posts at Grade Pay of Rs 8700 is being examined by the Ministry instead of being implemented which is against the AK Chandhok case in which the Hon'ble High Court of Punjab & Haryana had held that matter relating to grant of NFSG lies within the competence of CBT under

Section 5(d) of the EPF & MP Act and the same need not be referred to the government for approval, the said judgment has been duly accepted by the Ministry of Labour & Employment with the consultation of the Ministry of Law.

You may kindly note that this is an issue which has been clarified by the Hon'ble High Court as well as the CAG Audit itself and even then instead of being implemented it is again being re-examined by the Ministry of Labour even for the post-cadre restructuring period. This delaying attitude in granting due & just career benefits has created an atmosphere of hopelessness amongst the EPF officers and is extremely harmful towards realisation of organisational goals. Therefore, it is requested that you may take up this issue with the Ministry of Labour & Employment for immediate constitution of Screening Committee for grant of NFSG benefits to all eligible officers.

## **5. Grant of NFU benefits**

The matter of NFU has been introduced by the sixth central pay commission (6th CPC). The recommendations of the 6th CPC were adopted by the CBT, EPF in toto. Thereafter, the Ministry of Labour & Employment vide its letter dated 19.09.2012 constituted a Screening Committee headed by the Hon'ble Secretary (L&E) for grant of NFU to eligible officers in EPFO. The Ministry vide above mentioned letter directed EPFO to communicate list of eligible officers for grant of NFU. The same was conveyed by EPFO to the Ministry long back.

However, instead of timely grant of NFU, as approved earlier, the Ministry vide its letter dated 15.03.2018 has sought fresh comments of EPFO by incorrectly linking grant of NFU to the judgment of Hon'ble High Court of Punjab & Haryana in A.K. Chandhok case which was related to the matter of NFSG and not to NFU.

Furthermore, the matter of grant of NFU to organisations similarly placed as EPFO has been settled by an Hon'ble Supreme Court judgment, whereupon DoPT's OM No. AB-14017/39/2009-Estt.(RR) dated 02.04.2012 has been declared non-est by competent authority.

It is therefore requested that as the matter has already been settled earlier by the Ministry and even the screening committee for grant of NFU had been constituted, the grant of NFU should not be further delayed and matter be taken up for the screening committee to approve the grant of NFU to the eligible officers immediately.

## **6. Finalisation of seniority list for APFC cadre officers**

It is submitted that seniority fixation of many officers in APFC cadre is pending for a number of officers including officers who were promoted against supernumerary posts as part of cadre restructuring, officers directly recruited through UPSC, etc. The last seniority list that was published for APFC cadre has fixed seniority for officers whose service in APFC cadre was regularised in the year 2015, and the seniority of officers after that period is yet to be fixed.

## **7. Bunching of stages in the revised pay structure after implementation of the 7th CPC**

It is submitted that some officers had joined EPFO when the 7th Central Pay Commission recommendations were being implemented and their pay has been fixed at same rate as those who joined after them in the revised pay structure. Department of Expenditure has issued an OM dated 03.08.2017 on the matter of similarly placed officers in the government whereby detailed instructions have been issued on application of the benefit on account of bunching of stages while fixing the pay in the revised pay structure as a response to a large number of references received from Ministries/Department. It is therefore requested that similar benefit may be implemented in EPFO too.

## **8. Protection of Pay / Counting of past service on appointment to post of APFC through UPSC**

HO vide circular no. HRM-II/A.10(198)13/803/Vol.I/16380 dated 09.11.2017 has provided for protection of pay / grant of past service benefit to those officers who may have joined as APFC after tendering technical resignation from previous central government department. However, the said circular had stated that the matter of those whose past service was in Central PSUs / State PSUs / Universities / semi-government institutions / autonomous bodies, etc. was being taken up with the DoP&T for necessary guidelines. In this regard it is submitted that the rule position is quite clear, therefore, the matter need not have been referred to the DoP&T and could have been dealt similarly as in case of Central Government department. However, now that the matter has been pending for almost a year, it is requested that appropriate decision may be taken without any further delay.

## **9. Proper operationalisation of Zonal & District offices**

As part of cadre restructuring exercise in EPFO, Zonal and District offices were expected to perform new duties and functions to effectively implement the mandate of EPFO. However, there has been lack of clarity and slow progress on this issue. It is heartening that the matter has been re-examined at HO level and committees have been formed to give their recommendations regarding functions and tasks to be allotted ZO & DO. It is requested that the EPF Officers' Association may also be involved in the above consultative process as a representative of EPF officers who are genuine stakeholders in the progress of the organisation.

## **10. Lease accommodation facility**

It is submitted that lease accommodation facility being granted to EPF officers is a very important welfare issue. It is requested to increase lease rent for hiring accommodation for EPFO officers in view of the increase in HRA as per 7th Central Pay Commission (7th CPC) recommendation by the government. The last revision in lease amount was as per decision of the Executive Committee in its 76th meeting held on 25.02.2013. Now, over five years have passed since the above decision was taken and there has been considerable increase in the market rates thereafter especially in Metro cities such as Delhi, Mumbai, Bangalore, etc. Another issue regarding lease accommodation facility is the lack of said benefit to officers in the rank of ACC (HQ) and ACC in EPFO, who also must be extended said facility.

### **11. Inclusion of ACC (HQ) in the EPF Officers' Transfer Policy**

It is submitted that the post of ACC (HQ) has been left out from the approved transfer policy for EPF officers, the reason behind this is that at the time that the transfer policy was framed there existed only two posts of ACC (HQ) in the organisation and both were placed at HO itself. However, as part of cadre restructuring exercise five additional posts of ACC (HQ) have been created in the Zonal Offices in the field. Lack of proper policy for officers at this level is not legally justifiable especially when there is an approved transfer policy for all officers below that level.

### **12. Grant of Senior time Scale to eligible officers**

The Senior Time Scale (STS) is granted to EPFO officers after 4 years of regular service in APFC cadre. However, this routine exercise is still pending for a number of officers who are eligible for the same.

### **13. Review and early finalisation of long pending Disciplinary Proceedings**

It is submitted that there are a number of officers against whom disciplinary proceedings have been initiated quite a while back and these proceedings are still far from conclusion. During the pendency of such proceedings the delay in finalisation itself becomes punishment for the concerned officers as they are denied promotion and vigilance clearance during the said period. It is requested that a review may be conducted of all such long pending disciplinary proceedings at appropriate level and suitable instructions may be issued to all concerned to finalise the said proceedings at the earliest. Also it is requested that it may be considered to allow ad-hoc promotion to such officers who may be eligible for the same in accordance with DoP&T OM No. 22011/4/91- Estt.(A) dated 14.09.1992.

### **14. Date of implementation cadre restructuring in EPFO**

During the 210th CBT held on 09.12.2015, it was decided by the CBT that the effective date of cadre restructuring in EPFO shall be 09.12.2015 and the Vice Chairman, CBT, EPF / Secretary (L&E) had categorically stated that the applicability date of the restructuring proposal shall be 09.12.2015. This was duly recorded in the minutes of the said meeting. But this decision of CBT has not yet been implemented.

## **ORGANISATIONAL ISSUES**

It is submitted that during the introductory meeting held on 19.09.2018, the CPFC has advised that besides career-related issues being taken up by the EPFOA, certain organisation-related issues for ensuring long-term benefit to all stake-holders may also be taken up by EPFOA. Therefore, in keeping with above advise, the EPFOA has also proposed following agendas items which may benefit the organisation as a whole:

## **A. Effective Training Policy in EPFO**

EPFO has lacked an effective training policy which is at par with other government organisations in the country. It is requested that a suitable and effective training policy should be devised by the organisation wherein it is ensured that all officers undergo suitable training programs at least once every two years at PDNASS, at least twice in their career at suitable training facilities at national level and at least once in their career at international level. It is also requested that EPF Officers' Association should be involved in the consultative process for devising any such proposed training policy so that effective inputs may be included from all stake holders.

## **B. Software and service related issues**

It may be examined that most of the pendency in any functional area exists in the top 9-10 metro offices in the country. Therefore, maximum grievances of members, employers, etc. also usually pertain to such big offices. A number of grievances / issues are related to software-related problems being faced in the field. It is requested that periodical interactive meetings may be held with concerned RPFs heading major offices so that their problems can be understood first-hand by the technical teams at Head Office level and suitable resolutions are provided in a time bound manner. Thus, the gap that exists in software development and end-user needs to be filled.

It is requested that you may kindly grant an early appointment to the EPF officers' Association, preferably in the first half of October 2018, so that above issues may be discussed in detail.

Thanking you.

Yours sincerely,



**[Saurabh Swami]  
Secretary General**