



**EMPLOYEES' PROVIDENT FUND OFFICERS' ASSOCIATION**  
**EMPLOYEES' PROVIDENT FUND ORGANISATION**

Ministry of Labour and Employment, Government of India

Bhavishya Nidhi Bhawan, N.G.O.'B' Colony, Tirumelveli - 627007 Tamil Nadu

Phone: 0462-2554602, 9655565892

Fax: 0462-2554600

Email: epfoaindia@gmail.com

www.epfoa.in

**PATRON**

**G.Sanjeeva Reddy,**  
MP (RAJYA SABHA)

**PRESIDENT**

**D P Bhattacharya,**  
Regional PF Commissioner (II)

**SECRETARY GENERAL**

**Saurabh Swami,**  
Regional PF Commissioner (II)

**Joint Secretary General**

**Ashish Kumar, RPFC-II**

**Treasurer**

**C R Vikraman, APFC**

**Vice Presidents:**

(Tamil Nadu & Kerala)

**Himanshu Kumar, RPFC-II**

(Maharashtra & Chattisgarh)

**Manoj Kumar, RPFC-II**

(Gujarat & Madhya Pradesh)

**Ashwini Kumar Gupta,**  
**RPFC-II**

(Punjab & Himachal Pradesh)

**Sant Rana, APFC**

(Karnataka & Goa)

**Shailendra Kumar, APFC**

(West Bengal, NER &  
Jharkhand)

**Abhijeet Kundu, APFC**

Dated: 13.01.2015

To  
Smt. Gauri Kumar, I.A.S.,  
Secretary to Government of India,  
Ministry of Labour & Employment,  
Shram Shakti Bhawan,  
New Delhi.

Sub: Objections to the Transfer Policy in EPFO for  
Commissioner's Cadre - reg.

Respected Madam,

As per the direction of the Ministry of  
Labour & Employment, EPFO has sent a draft Transfer  
Policy for Commissioner's Cadre on 05.1.2015 but the said  
Transfer Policy has not been discussed with the EPF Officers  
Association before sending to Ministry and when EPF Officers  
Association had raised this issue, the EPFO Head Office has  
sent the draft Transfer Policy on 7.1.2015 by email. After  
examining the draft Transfer Policy, certain objections found  
is forwarded herewith for your kind consideration.

It is further requested that the EPF Officers  
Association may kindly be consulted and given an  
opportunity of being heard before finalising the draft Transfer  
Policy.

Thanking you,

Yours faithfully,

*A. Nuami*

( **Saurabh Swami** )  
Secretary General

Enclosure : As above

Copy to : The Central P.F. Commissioner,  
EPFO, Head Office,  
New Delhi.

➤ **OBJECTIONS TO THE TRANSFER POLICY IN EPFO FOR COMMISSIONER'S CADRE FROM EPF OFFICERS' ASSOCIATION**

**General Objections:**

- The policy suffers from the vice of excessive delegation. The authority to effect transfer of all levels of Group 'A' officers has been vested with the CPFC who is also the competent authority for redressal of grievances arising out of transfers. There is no appellate mechanism in the policy.
- The existing policy contains provision for premature transfers to have prior approval of the Chairman CBT. The said provision needs to be retained so as to minimize arbitrariness in the transfers.
- The composition of SSSB needs to be rationalized in order to enable it to make independent recommendations. It should include persons from Ministry, Members of Central Board etc to make its functioning more objective and independent.
- There is no justification of keeping postings in Head office/NATRSS/ZTIs/NDC out of the transfer policy. This is also in contravention with Supreme Court directive in TSR Subramanian case which provides for no such exception.
- Preference to be given to employees with differently abled dependents (DOPT Circular dated 06.6.2014)
- Consideration of Permanent Inquiry Officer tenure as not a part of field/zone posting.

**Para wise objections:**

S. No.	Para No.	Provision	Objections
1.	3.1	The Competent Authority for considering applications for transfer, placement or overstay and effecting all transfers and placement or disposing such application from a Group 'A' officer in the cadre of Provident Fund Commissioners shall be the Central Provident Fund Commissioner who shall decide the placement of officers in accordance with the instant Transfer Policy.	The provision does not specify the competent authority to order premature transfers. The following proviso may be added: <b>Provided that the Chairman Central Board for the reasons to be recorded in writing may order a premature transfer in public interest or to meet out official exigencies.</b>
2.	3.4	Petitions against transfers or not being transferred: Every officer aggrieved by an order of transfer has a right to make application before the Service Board. Grievance from Officers against transfer orders or for non-transfers when transfer is due or requested on compassionate ground or for pressing reasons and the request is not heeded to within reasonable time, will be made to the Service Board. The Service Board shall make recommendation on such petitions, within the time specified under para 5.6 of this Policy, to the	This is not an effective appellate mechanism. The aggrieved officer should have an opportunity to appeal against an irregular transfer to a superior forum. The appeal against the recommendation of the SSSB and/or the decision of CPFC must lie to the Chairman of the CBT and not to the SSSB/CPFC whose decision itself is the subject

		Competent Authority. On receipt of such recommendation, the competent authority shall pass a speaking order either accepting or rejecting the recommendation of the Service Board. Time schedule for various stages has been laid down under para 5.6., infra of the instant Transfer Policy.	matter of such appeal.
3.	4.1	The normal tenure would be 3 years of continuous posting for all officers.	The Supreme Court in TSR Subramanian case has issued guidelines for minimum fixed tenure of officers. The para should be substituted by " <b>the minimum tenure would be 3 years of continuous posting at the same office for all officers</b> ".
4.	4.2	The Transfer Policy shall not be applicable for National Data Centre / NATRSS / ZTIs / Headquarter posting.	There is no justification of keeping postings in Head office/NATRSS/ ZTIs /NDC out of the transfer policy. There should be fixed tenure for NDC/NATRSS/ZTI/Head Office also. The tenure of these officials shall also be three years. This is also in contravention with Supreme Court directive in TSR Subramanian case which provides for no such exception. No Officer should be made indispensable.
5.	4.5	To avoid disruption of work in case of large number of vacancies/transfer the implementation of Transfer Policy shall be done over staggered time period.	No outer time limit for implementation of the policy has been provided. Given the fact that it has taken three years for formulation of this policy inspite of the Supreme Court direction, it can safely be presumed that implementation will require much greater time. In absence of any time limit there is a possibility of the policy being caught in indefinite time wrap. The para should be substituted by the following: <b>"the policy shall come into force immediately from the date of notification in Official Gazette"</b> .
6.	4.7	Total tenure of an officer in a Zone shall not be more than nine years in entire service	Total tenure of an officer in a Zone shall not be more than six years for a particular cadre only, i.e. APFC, RPFC-II, RPFC-I, ACC.
7	4.10	No officer shall be posted for two or more terms as Officer-in-Charge (OIC) of a Sub-Regional or Regional office or of a political state, whether on promotion or on transfer otherwise unless in administrative exigencies and broader public interest requiring Central Board approval.	The para is not happily worded. It may be read to mean that no officer can be posted as an officer-in-charge for a second term for his whole career. The para should be restructured as:

			No officer shall be posted for two terms as Officer-in-Charge (OIC) of <b>the same</b> Sub-Regional or Regional office or of a political state, whether on promotion or on transfer otherwise unless in administrative exigencies and broader public interest requiring Central Board approval. □
8	4.14	Directly recruited/newly promoted Group 'A' officers shall preferably be posted to 'B/C' stations for 3 years normally after completion of training. Directly recruited officers shall be rotated periodically in the various functional areas compulsorily for the purpose of a well rounded exposure	Should b "Y/Z stations" instead of "B/C stations".
9	4.15	Officer promoted from Group 'B' to Group 'A' shall, on promotion, be transferred out of the station in which he/she was working at the time of his/her promotion, unless the balance service is less than two years unless administrative exigencies and public interest warrants otherwise.	On promotion the concerned officer should be placed at par with other Group 'A' officers and an All India Transfer liability should incur. The first transfer on such promotion should not merely be out of station but out of the state in which the officer worked in Group 'B' or 'C' cadres.
10	4.20	All postings are divided into field and non-field postings. Postings in Regional and Sub-Regional offices in the field shall be treated as field postings. Postings in the Head Office, the office of the Addl. Central P.F. Commissioner, the NATRSS, the ZTI, the Sub-ZTI, EPF Appellate Tribunal and all periods spent on deputation, foreign assignment or study leave shall be treated as non-field postings.	Permanent Inquiry Officer (PIO) shall be considered to be posted in the office of the Add. CPFC of the Zone. As such, it will be considered as non-field posting.
11	4.21	The country will be divided into four areas, viz., East, West, North and South. Each such area will be known as "Zone" for the purpose of transfer policy and respective territorial expanse of each Zone is as overleaf:	There should be 10 Zones, ie. The 10 Zones headed by ACCS, and not 4 Zones for the purpose of transfer.
12	6	When an officer is transferred prematurely, an administrative inquiry of summary nature shall be held to ascertain if the transfer is justified as a matter of public policy or there is adequate documentary evidence of high handedness or involves in corruption and raid misbehavior, moral turpitude adversely affecting the broader public interest or as per court orders. The administrative inquiry shall be conducted as expeditiously as possible but not later than 3 months by a serving or retired officer designated by the Service Board. In appropriate cases the Service Board may direct the affected officer to proceed on leave on full pay and allowances till administrative inquiry is over and a decision is taken regarding her/his transfer.	The inquiry envisaged in this para is not expected to be on any utility. The officer conducting enquiry, being an officer administratively subordinate to the CPFC, can hardly be expected to give a contrary opinion. In view of amendment proposed in para 3.1 this provision may not be necessary and may be deleted.
13	7	The principal office bearer of the E.P.F. Officers' Association – President or the Secretary General – may be posted at the national headquarters during his/ her tenure as such office bearer, if such a	There are so many riders for this innocuous provision. The para should be substituted by: <b>Any two principal office</b>

		request is made in writing by the Association and vacancies exist, and if such posting does not jeopardize the office and public interest or administrative exigencies require otherwise.	<b>bearers of the E.P.F. Officers' Association – President or the Secretary General or any other office bearer as may be requested by the Association - may be posted at the national headquarters/NCR during his/ her tenure as such office bearer, if such a request is made in writing by the Association. Provided that the Chairman Central Board may decline such request on grounds of administrative exigencies and/or public interest to be recorded in writing.</b>
14	9.2	Any order for premature transfer or transfer/placement of an officer which is in deviation from the Transfer Policy shall be done by the competent authority for good and sufficient reasons to be recorded in writing. Each of such transfer shall be considered by the Service Board and its recommendations shall be communicated to the Competent Authority and subsequently to the Central Board/Executive Committee.	The word competent authority in this para should be replaced by Chairman Central Board for the reasons explained in para 1 of the general objections above.
15	9.5	Central Vigilance Commission (CVC) guidelines on tenure for and rotation between sensitive and non-sensitive posts and tenure in sensitive posts shall be <b>normally observed</b> by the Competent Authority. In case of administrative difficulty, a reference will be made to CVC for a way out.	The CVC guidelines for rotation between sensitive and non sensitive posts are statutory in nature and are meant to be " <b>strictly</b> " followed and <b>not</b> " <b>normally</b> " followed. The para should be replaced as follows: Central Vigilance Commission (CVC) guidelines on rotation between sensitive and non-sensitive posts and tenure in sensitive posts shall be <b>strictly observed</b> by the Competent Authority <b>and any deviation from the CVC guidelines will be reported to the CVC.</b>
16	9.7(a)	One vehicle for each office barring special state offices	Each office, including special State offices, shall be provided with at least one hired vehicle.
17	9.7(b)	Reasonable Housing facilities to the extent possible	Every RO and SRO shall have residential accommodation for all Group-A officers.