



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

Ministry of Labour and Employment, Government of India

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Regional PF Commissioner (II)

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Saurabh Swami,
Regional PF Commissioner (II)

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Jharkhand)

Abhijeet Kundu, APFC

Dated: 10.01.2016

To

Central Provident Fund Commissioner,
Head Office,
New Delhi.

[By name to : Shri P.K. Udgata, Additional CPFC
(Hqrs)]

Sub: Delay in Cadre Restructuring in EPFO by
questioning the powers of CBT - CPFC's
correspondences in this regard - Seeking the
explanation of the Secretary General of EPF
Officers' Association- reg.

Ref: HO Letter no. HRM-XII/IR/11(7)09/EPF
Officers' Association/34440 dated 01.01.2016

Sir,

To begin with, I, on behalf of the EPF Officers'
Association, would like to wish you a happy and
productive new year to your good self. It is indeed our
misfortune that this is the last year where we may be
able to benefit from your service.

2. Please refer to your office letter referenced above,
wherein you have sought the explanation of

Secretary General, EPFOA within 10 days as to the means of receipt & consequent authority for circulation of the CPFC's two DO letters addressed to the Secretary, Ministry of Labour & Employment, Govt. of India, amongst the general body of EPF Officers' Association. Before proceeding further in the matter it is my duty to inform you that in accordance with the transparent and democratic ethos of EPF Officers' Association, your afore referenced office letter dated 01.01.2016 was also circulated by the undersigned to all the members of the EPF Officers' Association for their general information and comments.

3. Many of the members of the Officers' community have responded & commented upon the said matter to the undersigned and with due respect it is submitted that the general belief is that it appears you may have issued the said office letter due to some error / oversight or without due consideration. This is so because the issuance of the said office letter raises some basic questions, as outlined hereinafter, the answers to which seems to have escaped the said office letter.

4. Firstly & fore mostly, your above cited office letter seeks the explanation of the Secretary General of the EPF Officers' Association for an action conducted in his said official capacity. Here it is submitted that the Secretary General of the EPF Officers' Association is a democratically elected office bearer of the registered Service Association of EPF Officers. He is answerable to and only to the General Body of the EPF Officers' Association and not to anyone else for any legal and official actions performed in above capacity. He is not bound or governed by the ambit of the CCS (Conduct) Rules or any such service rules. In view of this, it may kindly be examined that if the undersigned refuses to submit any explanation whatsoever or violates the time limit given above or even if the explanation is duly submitted but is not found satisfactory by your good self, then, how and under which service rules does your office proposes to legally proceed against the Secretary General of the EPF Officers' Association?

5. Secondly, it may kindly be explained as to whether the contents of the said DO letters of the CPFC marked "*Confidential*" or covered under the provisions of the Official Secrets Act or related to secret financial matters or any other such confidential issues related to EPFO, which upon their general circulation have caused grievous and irreversible damage to the organisation? In fact, the only group whose interests were sought to be harmed by the said *Demi-Official* letters were the EPF Officers (including your good self) and thus any attempt to hide their contents from general scrutiny of EPF Officers only gives rise to a suspicion of malicious conspiracy.

6. And if it is felt that the contents of the said letters are justifiable and meritorious in nature then what is the need to panic when same are discussed in an open and transparent manner? In fact, such open discourse should have been welcomed by all concerned so as to reach an agreeable decision which is best suited to all the stakeholders.

7. Thirdly, coming to the content of the said DO letters, it has been noted by the EPF Officers community that the said letters had expressed an opinion questioning the powers of the Central Boards of Trustees (CBT) to make any appointment whatsoever in EPFO. At that time it was justly felt by us that this was diversionary tactic adopted to delay any decision on cadre restructuring by the CBT. In fact our stand in this issue has been vindicated by even the Finance Ministry in its communication addressed to the Labour Ministry wherein it has been clarified that the CBT has complete powers for appointments, etc. upto the Grade Pay of Rs 8700/. When the EPF Officers' Association has questioned such opinions publically, there is an attempt to gag us by this open & blatant persecution instead of having a frank & open discussion. This only goes on to establish the dictatorial manner in which the Organisation is being run where any dissent is being brutally suppressed by charge sheets and threats of charge sheets to anyone who disagrees.

8. And finally, it may be considered that does it suit and is it proper for an organisation working under the Ministry of Labour, working for the general welfare of the employees of the country, and which has Trade Unions leaders in its Central Board to go out of its way in this manner to threaten its own officers' service association for an action that is directly related to the welfare of the officers community.

9. Now, Sir, despite all the reasons that have been listed above wherein it has been made clear that there is no legal or moral reason for the undersigned to give any reply or explanation to your afore referenced office letter, however, as the undersigned holds your office in the highest regard, it is thought to be proper to reply to your queries.

10. It is submitted that as the Secretary General of the EPF Officers' Association, the undersigned receives numerous letters / representations / complaints from many sources on a regular basis. The said DO letters were also similarly received in an ordinary post envelope and anonymously by the undersigned. The undersigned may only hazard a guess that some well-wisher of the EPF officers may have forwarded them for due information. As to the question regarding the authority under which the said DO letters have been circulated, it is submitted that the

undersigned requests your kind attention towards the mission statement of the EPF Officers' Association as outlined below:

The aims and objects of the Association is to safeguard and promote the common interests of all the members of the Association through constitutional means and to foster a spirit of camaraderie and good fellowship amongst the members of the Association and members of similar service associations and to do all things incidental and conducive to the attainment of the said objects. It is the paramount duty of the Association to espouse the cause of its members uninfluenced by the considerations and identity of caste, colour, region, religion or the like. Issues concerning an individual member of the Association can be taken up by the Association only if the issue involves the question of selective victimisation or conferment having a bearing upon the general principles or policies for which the Association stand for.

11. Sir, as you yourself have also graced the office of the President of the EPF Officers' Association during years 2008-09 (and it may be mentioned that it was the good fortune of undersigned to have held the office of the Executive Committee Member (South Zone) in the Central Executive of the Association under your leadership), you may kindly appreciate that it is the duty of an office bearer of the EPF Officers' Association to ensure that common interests of the association are duly protected. As explained above the said DO letters were neither confidential, nor covered under any rule or regulation which forbids their open transmission, therefore, it is not understood what authority is required to reveal such letters which should have been in common domain to start with, particularly, for those persons whose service interests the said DO letters were trying to surreptitiously harm.

12. In light of above it is requested that your above office letter may kindly be reconsidered and the issue be hereby dropped.

Thanking you.

Yours sincerely,

A. Swami

(Saurabh Swami)

Secretary General