



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
(Regd No. 33/2015)

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PATRON

G.Sanjeeva Reddy,
Ex-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

(Karnataka & Goa)

Shailendra Kumar, APFC

(West Bengal, NER &
Jharkhand)

Abhijeet Kundu, APFC

Dated: 22.01.2016

To

Shri Shankar Aggarwal, I.A.S.,
Secretary to Government of India,
Ministry of Labour & Employment,
Shram Shakti Bhawan,
New Delhi

Sub: Complaint by EPF Officers' Association
against CPFC regarding misbehaviour with
EPF officers - now charge sheet threat to the
EPF Officers' Association - request for
immediate order for independent inquiry on
earlier complaint by a competent committee
comprising independent CBT members- reg.

Ref: 1. EPF Officers' Association letter addressed
to your office dated 08.10.2105
2. EPF Officers' Association letter addressed
to your office dated 04.11.2015
3. EPFO HO letter no.
HRM-XII/IR/11(7)09/EPF Officers'
Association/34914 dated 07.01.2016
addressed to EPF Officers' Association

Sir,

Please refer to EPF Officers' Association letters

cited as reference no. 1 & 2 above. You may kindly recall that the EPF Officers' Association had vide above cited letters brought to your attention the serious issue of continuing instances of misbehaviour & use of abusive language by the CEO of our organisation, i.e. the CPFC towards EPF Officers individually as well as collectively. As mentioned in said letters, the EPF Officers' association was forced to escalate this grave matter to your level when there was an instance of misbehaviour with Shri Rajesh Bansal, ACC (Hqrs) on 03.09.2015, which was feared to have been a case of victimisation of the said officer due to the initiative shown by him in being part of a delegation of EPF officers who met your good self on 27.08.2015 to invite your kind attention to the long pending issue of Cadre Restructuring in EPFO.

You may also kindly recall that the EPF Officers' Association had requested your good self, vide above cited correspondences, to kindly consent to formation of a high-level impartial committee of CBT members to investigate the complaint regarding current behavioural trend & pattern, and to give their recommendations as to the further course of action.

It is with above background that I must now report to your good self that I, as the Secretary-General of the EPF Officers' association, who is effectively the whistleblower in this entire matter, is now being individually targeted by the EPF management for bringing this issue to your kind attention. Shri P.K. Udgata, ACC (Hqrs), vide EPF Head Office letter cited as reference number 3 above (copy enclosed for kind reference), has called for the explanation of the undersigned as to *under what circumstances the above letters were addressed to your good self and as to why the undersigned's conduct not be considered as violative of CCS (Conduct) Rules, 1964.*

Sir, you may kindly appreciate that the undersigned had requested you vide above cited letters to cause an independent inquiry into the entire matter which should have ideally investigated into the allegation of misbehaviour with Shri Rajesh Bansal, ACC (Hqrs), as well as, similar instances of misbehaviour with other EPF officers during review meetings held across the country. However, it now appears that instead of an independent investigation, an EPF officer who is subordinate to the defendant party in this issue, is threatening the undersigned with disciplinary proceedings and issuance of charge sheet. Despite this, once again, the undersigned stands by following facts as stated in original complaint letters cited above:

1. Shri Rajesh Bansal, ACC (Hqrs) approached the EPF Officers' Association with request to take up his complaint of misbehaviour with your good self.
2. Shri Rajesh Bansal, ACC (Hqrs) was well informed of & gave consent for the earlier letters (cited above) issued by the EPF Officers' Association in his favour to your good self.

3. There are also other similar & habitual instances of use of abusive & foul language by our CEO for EPF Officers in open review meetings conducted across the country.

The EPF Officers' Association had requested your good self earlier & once again requests that above charges may be thoroughly investigated by any independent authority which is sufficiently senior-enough and which may comprise independent CBT members, as the matter relates to a very senior officer who is of the rank of the Secretary to the Govt. of India.

It may please be noted that in the EPF Head Office letter cited above Shri P.K. Udgata, ACC (Hqrs) states "*I have been directed to seek your explanation...*" This sentence makes it clear that he has been directed by his reporting officer, i.e. the CPFC to proceed in this manner against the EPF Officers' Association, thus, once again giving rise to the question as to how can justice or fair play be expected if the defendant himself becomes the judge.

In effect, by calling for explanation of the undersigned, the EPF Head Office has clearly violated the basic principle of natural justice:

Nemo judex in causa sua
or no-one should be a judge in his own cause.

It is indeed very unfortunate that when the sole interest & purpose of the EPF Officers' Association is to work for betterment of the career prospects of EPF Officers as a whole and not to get diverted and engaged by other inconsequential issues, the EPF management is unnecessarily engaging in such personal issues. The arrogant and non-compromising attitude of the EPF management towards labour and IR issues may be gauged from fact that already another explanation has been called from the EPF Officers Association on circulation of certain DO letters related to cadre restructuring written by the CPFC to your good office earlier, as well as, from the fact that the CPFC had summoned the office bearers of the EPF Officers' Association at a very short notice for a meeting on 19.01.2016 whose agenda was mentioned just as "*series of derogatory communications being received from Secretary-General, EPFOA*" (Copies of above mentioned EPF Head Office letters as well as EPF Officers' Association responses submitted therein are enclosed herewith for kind reference). From above correspondences, it appears that our management is planning to issue charge sheets to the office bearers of the EPF Officers' Association for raising our

voices on genuine issues related to EPF officers, thus, violating our constitutional fundamental right of freedom of speech.

Sir, you may kindly appreciate that till date we have had the deepest of faith in your good self and even on the long pending issue of Cadre Restructuring we temporarily deferred our call for *Satyagraha* only due to your timely intervention during the 210th CBT meeting by ensuring that all consequential service benefits shall be fixed with effect from 09.12.2015, and that is why we request you once again to intervene and ensure that this high handedness by EPF Head Office comes to an immediate end. Therefore, it is again requested that you may kindly consent to formation of a suitably high-level committee comprising, independent CBT members, to investigate our aforesaid complaint and give its recommendations. We are willing to fully co-operate with any such investigation.

Once again we have full faith that you will not let us down, however, if the matter is allowed to continue to proceed as above, then, we shall lose complete faith in the system and may have to go back on our earlier commitments.

Thanking you.

Yours sincerely,

A. Swami

(Saurabh Swami)
Secretary General

Encl : a/a



कर्मचारी भविष्य निधि संगठन
(श्रम एवं रोजगार मंत्रालय, भारत सरकार)
Employees' Provident Fund Organisation
(Ministry of Labour & Employment, Govt. Of India)
भविष्य निधि भवन, 14-भीकाजी कामा प्लेस, नई दिल्ली-110 066
Bhavishya Nidhi Bhawan, 14-Bhikaji Cama Place, New Delhi-110 066
Website: www.epfindia.gov.in, www.epfindia.nic.in

No. HRM- XII/IR/11(7)09/EPF Officers' Association/ 34914

Dated: 07 JAN 2016

To

Shri Saurabh Swami,
Secretary General,
EPF Officers' Association (EPFOA),
EPFO, Bhavishya Nidhi Bhawan,
N.G.O. 'B' Colony,
Tirunelveli, Tamil Nadu-627007.

Subject: Allegations of misbehaviour by Secretary General, EPFOA through letters dated 08.10.2015 and 04.11.2015 – regarding.

Sir,

This is with reference to your letters dated 08.10.2015 and dated 04.11.2015 addressed to Secretary, Labour & Employment, Government of India levelling allegations of misbehaviour by Central P.F. Commissioner towards Shri Rajesh Bansal, Additional Central P.F. Commissioner (HQ).

2. The comments have been called for from Shri Rajesh Bansal, Addl. CPFC (HQ) on 04.01.2016. In his reply dated 04.01.2016, Shri Rajesh Bansal has categorically denied that he was neither abused nor humiliated by CPFC. Further, he has also denied that he had been victimized for the reason that he had led a delegation of officers which met Secretary, Labour & Employment. It is, thus, seen that both the allegations have been found to be incorrect.

3. In view of above, I am directed to seek your explanation as to under what circumstances such frivolous and malicious allegations were made against CPFC, the CEO of the Organisation in your above referred letters and as to why your conduct will not be considered as violative of the CCS (Conduct) Rules, 1964. Your reply should reach this office within 15 days of receipt of this letter.

Yours faithfully,

(P.K. UDGATA)

Addl. Central P. F. COMMISSIONER-I (HQRS)

Email :acc.hq.hr@epfindia.gov.in

Tel. No. 011-26186512
Fax No. 011-26100166



श्रम मंत्रालय भारत सरकार
Employees' Provident Fund Organisation
(Ministry of Labour, Govt. Of India)
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Bhavishya Nidhi Bhawan, 14- Bhikaji Cama Place, New Delhi – 110066
www.epfindia.gov.in, www.epfindia.nic.in

No. HRM- XII/IR/11(7)09/EPF Officers' Association/ 34440

Dated: 01.01.2016
01 JAN 2016

To

The Secretary General,
Employees' Provident Fund Officers' Association ,
Employees' Provident Fund Organisation,
Bhavishya Nidhi Bhawan,
N.G.O. 'B' Colony,
Tirunelveli, Tamil Nadu - 627007.

Subject : Delay in cadre restructuring in EPFO by questioning the powers of CBT - CPFC's correspondences in this regard - regarding.

Reference : Your e-mail dated 07.10.2015 alongwith all the attachments.

Sir,

It was informed by RPFC-II & OIC Tirunelveli that no such e-mail has been sent as RPFC-II & Officer In-Charge, Tirunelveli to All Addl. CPFCs, RPFCs-I, RPFCs-II and APFCs from the official e-mail id - sro.tirunelveli@epfindia.gov.in and saurabh.swamy@epfindia.gov.in.

2. It is seen that your e-mail letter dated 07.10.2015 which was circulated to all Additional Central PF Commissioners, all Regional PF Commissioners, Grade- I & Grade-II and all Assistant PF Commissioners was containing the letter dated 07.10.2015 on the letter head pad of the Employees' Provident Fund Officers' Association (EPFOA) and the two D.O. letters - (1) HRD/1(1)2011/Cadre- Restructuring/445 dated 18.09.2015 and (2) CPFC/PS/Misc./2015/448 dated 21.09.2015 wherein strong opposition to the contents of the above D.O. letters was incorporated.

3. In this regard, I am directed to seek your explanation as to how you had the access to these D.O. letters. Kindly explain as to whether you got the D.O. letters under RTI and under what authority have you circulated the D.O. letters to others.

4. Your explanation should reach the undersigned within 10 days so as to put up the same before CPFC for his perusal and further direction.

Yours faithfully,

(P.K. UDGATA)

Additional C.P.F.C. (HQRS.)



अम मंत्रालय भारत सरकार
Employees' Provident Fund Organisation
(Ministry of Labour, Govt. Of India)

भविष्य निधि भवन, 14-भिकाजी कामा प्लेस, नई दिल्ली -110066
Bhavishya Nidhi Bhawan, 14- Bhikaji Cama Place, New Delhi - 110066
www.epfindia.gov.in, www.epfindia.nic.in

No. HRD/61/2015/

Dated: 15 JAN 2016

To

1. Shri D.P. Bhattacharya,
President, EPFOA
Bhavishya Nidhi Bhawan,
19-25/1/1, Hyderabad Road,
Siddipet - 502103 (AP)
2. Shri Saurabh Swami,
Secretary General, EPFOA
Bhavishya Nidhi Bhawan, (NGO 'B' Colony),
Perumaipuram,
P.O., Tirunelveli - 627 007 (TN)
3. Shri Ashish Kumar,
Joint Secretary General, EPFOA
Nidhi Bhawan, Behind Police Station, Vigyan
Nagar,
Kota - 324 005 (RJ)
4. Shri Shailendra Kumar
Vice President (Karnataka & Goa), EPFOA
Bhavishya Nidhi Bhawan,
22, Pattyo Plaza, Panjim,
Goa - 403 001
5. Shri Himanshu Kumar
Vice President (Tamil Nadu & Kerala),
EPFOA
S-1, TNHB, Phase III,
Sathuvachari, Vellore - 632 009., (TN)
6. Shri Manoj Kumar
Vice President (Maharashtra & Chhattisgarh),
EPFOA
15-B, Raghuraj Arcade, Civil Lines, Akola-444001
(MH)
7. Shri Ashwini Kumar Gupta
Vice President (Gujarat & Madhya Pradesh),
EPFOA
Bhavishya Nidhi Bhawan,
59-Arera Hills
Bhopal - 462011(MP)
8. Shri Abhijeet Kundu
Vice President (West Bengal, NER & Jharkhand),
EPFOA
Bhavishya Nidhi Bhawan,
Siliguri-Jalpaiguri Development Authority
Building, DijnBazar,
Post Office & Distt Jalpaiguri -735101(WB).
9. Shri C.R. Mikraman
Treasurer, EPFOA
Bhavishya Nidhi Bhawan, (NGO 'B' Colony),
Perumaipuram,
P.O., Tirunelveli - 627 007 (TN)

Subject : Convening a meeting with the office bearers of the Employees' Provident Fund Officers' Association - regarding.

Sir,

I am directed to inform you that Central Provident Fund Commissioner has decided to have a meeting with the office bearers of the Employees' Provident Fund Officers' Association on 19th January, 2016 at 10:30 AM to discuss various issues. One of the main issues is series of derogatory communications being received from Secretary General, EPFOA.

2. The venue of the meeting is Conference Hall, 3rd Floor, Head Office, 14, Bhikaji Cama Place, New Delhi - 110066.
3. All the office bearers are entitled to TA/DA as per their entitlement and as per rules.

Yours faithfully,

(P.K. UDGATA)
Additional C.P.F.C. (HQRS.)