



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

Ministry of Labour and Employment, Government of India

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Jharkhand)

Abhijeet Kundu, APFC

Dated: 22.01.2016

To
Central Provident Fund Commissioner,
Head Office,
New Delhi.

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

Sub: Complaint of misbehaviour by the CPFC with
EPF Officers - filed by the EPFOA with the
Secretary (L&E) - reg.

Ref: HO Letter no. HRM-XII/IR/11(7)09/EPF
Officers' Association/34914 dated
07.01.2016

Sir,

Please refer to your above referenced office letter wherein you have called for the explanation of the Secretary-General, EPF Officers' Association for complaints filed with the Secretary(L&E) protesting the instances of misbehaviour with EPF officers by the CPFC.

2. In this regard a reference may also be kindly allowed to be made to an earlier letter, dated 10.01.2016, of the EPF Officers' Association addressed to your good self wherein a detailed explanation was given as to the reasons why it is not legally correct or morally

appropriate for the EPF management to call for explanation of the office bearers of the Officers' Association for raising genuine issues and also why the office bearers are not bound to submit any such explanations to the management for any legal function performed in their official capacity. However, for recollection, those reasons are repeated, in brief, as below:-

- I. Your above cited office letter seeks the explanation of the Secretary General of the EPFOA for an action conducted in his said official capacity. Here it is submitted that the Secretary General of the EPFOA 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.
- II. The functioning of an office bearer of the Officers' Association is not bound or governed by the ambit of the CCS (Conduct) Rules, 1964 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 EPFOA?
- III. It may be considered that does it suit and is it morally appropriate for an organisation working under the Ministry of Labour & Employment, 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.

3. Now, coming to the gist of the matter at hand, although the undersigned is not bound to submit any reply to your aforecited office letter in view of above explanation, it is morally correct for the Officers' Association to explain its stand in the matter. Therefore, it is humbly submitted that the EPFOA vide letters dated 08.10.2015 & 04.11.2015 had indeed filed a complaint with the Hon'ble Secretary, Ministry of Labour & Employment and the EPFOA still stands by the said complaint.

4. The fact of misbehaviour with Shri Rajesh Bansal, ACC (Hqrs) was brought to the EPFOA by Shri Rajesh Bansal himself and the EPFOA has enough evidence to prove its stand that he approached the EPFOA with request to take up this issue with the Secretary(L&E). However, the EPFOA cannot be held answerable for any change in stand or change of heart that Shri Rajesh Bansal may have undergone

since then and the reasons for the same may be best known only to him. The EPFOA can only submit that if indeed Shri Rajesh Bansal has *categorically denied* all the charges levelled in the EPFOA's letter to the Hon'ble Secretary, as stated in your aforecited office letter, then Shri Rajesh Bansal is being absolutely untruthful in this issue.

5. Furthermore, the complaint of the EPFOA was not limited only to Shri Rajesh Bansal but rather stated that Shri Rajesh Bansal is only the latest case in point and the matter relates to an atmosphere of continuing instances of misbehaviour and abusive language being used for EPF Officers in open review meetings conducted throughout the country.

6. Therefore, it is submitted here that the EPFOA has again requested the Hon'ble Secretary, Ministry of Labour & Employment vide letter dated 22.01.2016 to constitute a high level committee of independent CBT members to investigate the earlier complaint of misbehaviour with Shri Rajesh Bansal as well as with other EPF officers and in view of the same the results of said investigation may kindly be awaited by your good self.

7. It is also humbly submitted that your aforecited letter states "*I have been directed to seek your explanation...*". This sentence makes it clear that you have been directed by your reporting officer, i.e. the CPFC to proceed in this manner against the EPF Officers' Association, thus, giving rise to the question as to how can justice or fair play be expected if the defendant himself becomes the judge. These proceedings go against the very nature of natural justice, viz.

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

8. Furthermore, ours is a free & independent country and all citizens enjoy freedom of speech under the Indian constitution, however, if anyone feels that his / her good reputation has been wrongly damaged by any frivolous or malicious allegations, then he / she is free to approach the courts of the country and file a suit of defamation against the other party. This blatant threat of issuing a charge sheet to silence a whistle blower is simply overstepping your official jurisdiction and mis-use of official powers to settle personal issues.

9. Therefore, in interest of natural justice, it is the humble request of undersigned that you may kindly request the Hon'ble Secretary (L&E) to cause an

independent and high level inquiry into this entire issue instead of trying to *hush-up* the matter by illegally threatening the Officers' Association.

Thanking you.

Yours sincerely,

A. Swami

(Saurabh Swami)
Secretary General