



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

Ministry of Labour and Employment, Government of India

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Ajay Kumar Singh, APFC

Dated : 14.07.2017

To,

Dr. V. P. Joy, IAS

Central Provident Fund Commissioner

Employees Provident Fund Organization

New Delhi

Subject: **Detailed description of Agenda items to be taken up during meeting with EPF Officers' Association Executive Body – reg.**

Reference : EPFOA letter dated 11.07.2017

Respected Sir,

Please refer to the subject and reference cited above. The issues to be taken up during the meeting with EPFOA Executive Body on 14.07.2017 are described as under :

1. Complete implementation of approved Cadre Restructuring by granting promotions to eligible officers to the post of ACC and RPFC-I :

Sir, though the Cadre Restructuring has been approved and implemented in EPFO but Recruitment Rules (RR) for Commissioners' Cadre (EPF), Group A has not been finalized yet. Due to the non – finalization of RR, in spite of the vacant posts being available for promotion to the post of ACC and RPFC-I, the same could not be done. The delay in

finalization of RR has led to many critical posts of ACC (Zone) lying vacant in many Zones and eligible officers duly fulfilling the eligibility criteria have been denied the promotional benefit. Similarly, a good number of RPFC-I posts have remain unfilled.

Sir, the point number 19 of the approved Anomaly Redressal cum Implementation Committee constituted under the chairmanship of your good self clearly lays down :

“It is recommended that existing personnel may be placed in next higher scale immediately, subject to fitness including APAR grading and vigilance clearance and eligibility, by operating extant Recruitment Rules, wherever available. If the same are not available then as the initial constitution clause, model Recruitment Rules as prescribed by DoPT be used as a reference for placing the officials concerned in the next grade. For future promotions/upgradations Recruitment Rules be revised/framed for approval of competent authority.”

Sir, in view of aforementioned factual position as per approved CR, it is earnestly requested to kindly intervene and issue directions for promoting eligible officers to the post of ACC & RPFC – I, as the case may be, without any further delay as per model Recruitment Rules prescribed by DoPT.

2. Finalization of pending Recruitment Rules for Commissioners’ Cadre (EPF), Group A :

Sir, apart from issuing promotions to eligible officers as explained above, it is requested to fast-track the finalization of new Recruitment Rules for Commissioners’ Cadre (EPF), Group A. **(EPFOA letters dated 05.05.2017 & 30.05.2017 issued to your good self in this regard with all the details are enclosed for your reference please).**

3. Grant of Non Functional Selection Grade pre revised 8700 GP (NFSG) to eligible officers at the level of RPFC-I as per approved Cadre Restructuring (CR) in EPFO :

Sir, as per approved CR, Group A officers entering 14th year of service, comprising 30 % of senior duty posts and above and meeting eligibility criteria are to be given NFSG and placed in 8700 GP (pre-revised). This has not been implemented yet. It is

therefore requested that NFSG be immediately provided to all eligible officers from their due date as per approved CR so that many officers who have stagnated for years without any promotion are not again deprived of their due and just benefits.

4. Proper work profiling, infrastructure and budgetary allocation i.r.o. District Offices & Zonal Offices :

The 117 District Offices headed by APFCs as Officers-in-Charge have been notified vide EPFO Office Order No. HRM-I/D-1(1)2017/CR/49 dated 27.01.2017 as per approved organizational & cadre restructuring in EPFO. Further, role and responsibilities of Zonal offices were defined vide H.O. Letter No. HRM-I/D-1 (1) 2017/CR/ 138 dated 31.03.2017. Sir, in this background, the undersigned would like to bring to your kind attention that though District Offices have been notified and APFC officers have been posted in these offices, adequate budget allocation has not been made till date. Many Direct Recruit APFC officers from 2016 batch having no field experience have been posted in District Offices including other APFC officers. Without adequate budget, infrastructure, staff and work profiling of district offices, the officers are facing serious issue in their day to day functioning. This need to be immediately addressed as it is affecting the morale especially of young direct recruit officers. Similarly Zonal Offices need to be strengthened and adequate budget need to be allotted for proper functioning. Also, proper devolution of functions to these new structures and corresponding infrastructure should be in consonance with objectives for creation of district and zonal offices, otherwise entire exercise would go futile leading to wastage of the precious financial, human resources of EPFO without achieving the stated objectives. Therefore, it is requested to address these issues urgently. **(Earlier EPFOA letter dated 21.03.2017 issued to your good self in this regard with all the details is enclosed for your reference please).**

5. Promotion of APFCs to the post of RPFC-II :

Sir, large number of posts in the RPFC - II grade are lying vacant after cadre restructuring, creating an administrative vacuum, which is seriously hampering the operation and functioning, especially in field offices of EPFO. In view of above administrative exigency, it is earnestly requested to kindly provide relaxation in the qualifying service for promotion from APFC to the post of RPFC-II by inserting suitable initial constitution clause in the draft RRs of Commissioners' Cadre (EPF), Group A for RPFC-II grade. Further, the qualifying service need to be changed from 5 to 4 years as per approved CR for promotion from APFC to RPFC-II. **(Earlier**

EPFOA letters dated 23.01.2017 & 30.05.2017 issued in this regard with all the details is enclosed for your reference please).

6. **Implementation of Non Functional Upgradation (NFU) benefits to EPFO Group**

A officers :

It is requested to provide NFU to EPFO Group A Officers from due date as per provisions contained in section 5D (7) of EPF & MP Act, 1952 and decision of the 72nd Executive Committee, EPF granting parity to EPF Group A Officers with IRS (IT). The Committee constituted vide Office order No. HRM.II/NFU/181(1)13/Pt.1/207 dated 11.05.2015 for implementing NFU in EPFO Group A Officer cadre has already submitted its report in June – 2015 and subsequently it is learnt that another committee has been formed but nothing has been implemented till date thereby denying due NFU benefits to the eligible officers. Therefore, it is requested to kindly expedite implementation of NFU to EPFO officers.

7. **Provision of adequate number of vehicles (including hired taxi) and enabling infrastructure with sufficient budgetary allocation in field and zonal offices for carrying out the set policies and programmes effectively :**

- **Hiring of Vehicles** : There is severe requirement of sufficient number of vehicles in field as well as zonal offices. The field offices are expected to carry out and implement the set policies and programmes effectively but the provisions available to hire / purchase vehicles have been a huge impediment. As per H.O. circular no. HRM – 8/6(1)2011/ Hiring Vehicles/ 2011/13411 dated 24.10.2013, offices are allowed to hire vehicle only to the extent of sanctioned number of staff car, that too only if no staff car is available. Further, the budgetary allocation made available is so meagre that in no way it can suffice the requirement. In most of the field offices, either there is only one or no staff car. In contrast to such provisioning of vehicles, field offices are expected to perform an array of functional tasks wholly dependent on use of vehicles viz. Awareness generation sessions (On a constant basis) , UAN camps, seminars, Nidhi Aapke Nikat programme, EEC, 2017, Employees Retention Campaign, AADHAR seeding campaigns, liaison with other authorities etc. apart from the legal duties of inspections, coverage, compliance audits, Recovery actions, grievance redressal, performing enforcement functions for complaint resolution regarding PF evasion received from PMO/CPGRAMS/Compliance Portal/CAIU/Trade

Unions/Ministry/Head Office etc. including Squad formation in sensitive cases in a time bound manner. Additionally, many field offices have wide geographical jurisdictions covering many districts and distance in hundreds of kilometres. The new district offices have also been created by posting APFC to further carry out these functions. One fails to understand that how above tasks are expected to be accomplished by field machinery without hiring of vehicles and non-availability of budgetary support. It seems provisioning of vehicles for functional needs is still seen as a luxury instead of a mandatory infrastructure requirement. Such non-provisioning of just and due requirement to field offices not only hampers the performance but also may lead to development of unethical practice. This is seriously affecting the work functioning in field as well as zonal offices. Your good self is sincerely requested to intervene and amend the above said circular suitably and allow hiring of adequate number of vehicles on monthly / annually basis as per functional needs by field as well as zonal offices. A reasonable criteria for number of vehicles to be hired by field offices considering the subscriber wise workload of offices, geographical spread, functional necessity may be worked out and adequate budgetary allocation may also be done simultaneously to address this long pending issue.

- **Provision of Mobile, Laptops, Internet Data Connections to Officers:**

EPFO is adopting technology in service delivery as well as compliance functions and even it is expected that officers use social media and other internet based online tools for official functions but there is either no or severely inadequate provision for mobile phones, laptops and internet data connections. Therefore, it is requested that Enforcement Officers and above, provision be made appropriately.

8. Use of State Emblem by EPF Officers as per State Emblem of India Act 2005 :

Sir, a reference was made by EPFO to Ministry of Home Affairs (MHA) through the MoL&E for clarity on use of State Emblem in terms of the State Emblem of India Act, 2005 and the State Emblem of India (regulation of Use) Rules, 2007. MHA in its letter dated June 2015 communicated that *“EPFO does not come under the category of ‘Commission’ or ‘Authority’ established under or constituted by an Act of Parliament or set up by the central Government.”*

Hence the proposal for use of state emblem by EPFO was not agreed. The above decision has been circulated for compliance vide Head Office Letter No. HR/AVS/IV/64/2014/34930 dated 08.01.2016.

Sir, the MHA while examining EPFO proposal, probably has gone literally by the terminology EPFO that indeed does not find a mention in the statute (EPF & MP Act, 1952). This has happened due to lack of clarity in reference made by EPFO to MHA because EPFO as such does not exist in the statute whereas Central Board does. However, EPFO is a commonly understood entity outside as an administrative set up of the Central Board. The Central Board is a statutory body created under the EPF & MP Act, 1952 (Section 5A (1)). Instead of asking for clarity about eligibility of EPFO, Head Office should have asked about eligibility of Central Board in the reference made to MHA. Further, EPFO Group A Officers right from Additional Central Provident Fund Commissioners up to Assistant Provident Fund Commissioners are statutory authorities by virtue of their mention in section 5D (3) of EPF & MP Act, which reads as :

“The Central Board may appoint, subject to the maximum scale of pay, as may be specified in the Scheme, as many Additional Central Provident Fund Commissioners, Deputy Provident Fund Commissioners, Regional Provident Fund Commissioners, Assistant Provident Fund Commissioners and such other officers and employees as it may consider necessary for the efficient administration of the Scheme, the Pension Scheme and the Insurance Scheme.”

Further, EPFO Group A Officers are also statutory authorities under section 7A of the EPF & MP Act. The same has been pronounced in many Supreme Court / High court judgments wherein the Hon'ble Courts have expressly used the term statutory authority while referring to authorities viz. Regional Provident Fund Commissioners, Assistant Provident Fund Commissioners, mentioned in section 7A and authorized under section 14B of the EPF & MP Act, 1952.

Since the Central Board and its officers particularly Additional Central Provident Fund Commissioners, Deputy Provident Fund Commissioners, Regional Provident Fund Commissioners, Assistant Provident Fund Commissioners are named by designation and created through express provisions of the EPF & MP Act – they are all patently covered under entry (xv) of Schedule – I of the State Emblem of India (Regulation of Use) Rules, 2007 (“... authorities constituted or established by an Act of Parliament...”) and therefore it is amply clear that these authorities are authorized to use the emblem under the direct authority of the Act without any obligation of reference to or permission from any authority or entity.

In addition to above submissions which leave no doubt about the use of state emblem by Central Board & its Officers, it is also submitted that :

- Central Board & its officers perform sovereign functions
- EPFO officers conduct judicial proceedings and are vested with powers of civil court
- EPFO Officers under section 5D & 7A of the Act are “Judge” under section 19 of IPC and section 2 of Judges (Protection) Act, 1985. Hon’ble Bombay High Court in Sh. E.S. Sanjeeva Rao Vs. CBI, Mumbai & others has held : *“The fact that the petitioner (an Authority under section 5D of the EPF & MP Act, 1952 and conducting inquiry under section 7A of this Act) was discharging the functions of a Judge within the meaning of section 19 of the I.P.C. is indisputable.”*
- Some other similarly placed organisations using state emblem are – Competition Commission of India, Telecom Regulatory Authority of India, both of these are body corporate just as Central Board. Prasar Bharti is another such example.
- There has been precedence of use of emblem by EPFO in past
- Functional Requirement / Necessity – EPFO is an arm and face of the Government; EPFO represents the nation as an organ of Govt. in implementing Bilateral Social Security Agreements

Sir, disallowing the use of State Emblem by Central Board & EPFO Officers (Statutory Authorities) would be an error and could imply that a private person has the power to curtail the liberty by arrest, attaching property etc. in a democratic country. Further, sir, not using the state emblem is an impediment in securing the public purpose sought to be achieved through the EPF Act as any quasi-judicial, enforcement or other measures under the colour and symbol of the state are invariably more effective than one undertaken without such symbol. Thus, in view of above crystal clear laid down factual and legal position, the matter should not have been referred to any other ministry or department at first place. But it was referred, that too with a wrong question. Sir, therefore, it would be just and appropriate if the above referred H.O. letter on this subject is withdrawn and EPFO Officers are allowed to use state emblem. Also, MHA may be intimated about the correct legal position of Central Board and its officers accordingly.

9. Empanelment of movers & packers agency :

In view of the All India transfer liability of Group A officers, it is very much necessary to empanel a reputed movers and packers agency. The same is pending from long

time, it may kindly be urgently taken up so that shifting due to the transfer and postings of officers can be made less troublesome.

10. Increase in lease rent for Group A officers :

It is requested to increase lease rent for hiring accommodation for EPFO Group A Officers in view of the increase in HRA as per 7th pay commission recommendation by the government. The last revision in lease amount was done as per decision of the Executive Committee in its 76th meeting held on 25.02.2013. More than four years have passed since the above decision was taken and there has been considerable increase in the market rates thereafter. Further, provision of security and advance for at least 3 months should be made as it is a big problem especially in Metro cities. Furthermore, there should be inbuilt provision of 10 % increase in lease rent on annual basis and officers should be allowed to hire lease outside their Head Quarter on genuine and reasonable grounds.

11. Confirmation of all direct recruit APFCs who have completed their probation period :

This may kindly be taken up and completed for all direct recruit APFCs of 2014 batch and 2016 batch as well who meet the requirements of probation completion. Head office may kindly take up the matter with concerned authorities where Police Verification or any other verification is pending to complete the formalities without any further delay.

12. Early disposal of long pending case of Sh. Vinod Kumar, APFC

13. Delay in Implementation of MACP :

Sir, in spite of so many representations made by many promotee APFC officers through proper channel, neither the financial upgradation under MACP scheme has been approved nor any decision to these officers has been communicated by the competent authority. As you are aware, MACP scheme provides for three financial up gradation in the whole career of an official (at 10, 20, 30 years) and in view of the acute stagnation faced by the officials in EPFO, it becomes all the more necessary to timely implement and make available MACP benefits due to the eligible officials. Many direct recruit EO/AOs of 1992, 1995 batch (presently APFCs) and other promote APFC officers are yet to receive their due benefits. Many promotee APFC officers either have already retired or are on the verge of retirement but MACP benefits have not been granted to them, till now.

Sir, in view of above submissions, it is earnestly requested to your goodself to kindly intervene so that long due benefits of financial upgradation as per MACP scheme can be granted to all eligible promote APFC officers without any further delay.

14. Time bound DPC meetings and issuance of promotion orders to ensure promotion from date of occurrence of vacancy :

Sir, though very strict timeline for the DPC calendar has been issued by DoPT but DPCs are not conducted timely thereby delaying promotions to eligible officers. Often, it also leads to avoidable litigations by the officer concerned. Therefore, it is requested that DPC should be held timely and in case of any administrative delay responsibility should be fixed and benefits be allowed from the date of occurrence of vacancy. Your good self urgent intervention is required in this area so that due benefits are extended from due dates to the eligible officers.

15. Regular recruitment of DR APFCs on annual basis from Civil Services Examination conducted by UPSC :

This may kindly be taken up as erratic and irregular Group A direct recruitment is the crux of most of the cadre mismanagement problems in EPFO. Even unorganised services like Asst. Security Commissioner in Railway Protection Force, Group B service Section officers AFHQ and Indian Trade Service under Director General Foreign Trade, an attached office under Ministry of commerce is part of the recruitment plan of Civil Services Examination conducted annually by UPSC. It is understood even UPSC has once agreed to it on persuasion of the then Labour Secretary with the condition that future annual recruitment plan is submitted in advance to UPSC. This is all the more required in view of the proposed new Labour Code on Social Security. Sir, we sincerely hope that this is possible under your able leadership and direction. Therefore, it is requested to take up the matter to concerned authorities in UPSC.

16. Correct implementation of DoPT Order dt. 4.3.2014 on inter-se-seniority :

It is requested to direct HRM division to resolve this long pending issue by revising the APFC seniority list as per DoPT instructions dated 4.3.2014. The details of the matter is already available with HRM division.

17. Effective Training Policy for Group A Officers of EPFO including adequate induction training for fresh Direct Recruit / Departmental Promotee APFCs. Provision

for foreign training component for officers in view of SSAs done with many countries to broaden the horizon of officers in order to have an international perspective in formulating / implementing policies in the social security sphere.

18. **Higher Study Policy for Group A Officers of EPFO** and nomination of EPF Group A officers in DoPT sponsored programmes including carrying out of MoU by PDUNASS with Management / Govt. Institutes for imparting PG Diploma in Social Security to EPFO Officers similar to being followed by National Academy of Direct Taxes, Nagpur and Railway Staff College, Vadodara.
19. **EPF Officers online** – Creation of Intra & inter interaction platform for information dissemination and knowledge sharing among officers
20. **Conducting annual National Seminar on Social Security at PDUNASS** & publication of Journal on Social Security (**JOSS**)
21. **Publication and circulation of an EPFO internal e-Magazine** for sharing best practices, important developments in social security sphere and showcasing achievements across various EPF Offices
22. **Process re-engineering and updation / revision of manual procedures** and circulars in various functional areas in view of the technological changes in EPFO to suit the need of the present times
23. **Revisit on delegation of work** performed by officers in view of technological change – removing routinized work from officer level so that quality and efficiency of work in important functional areas can be improved
24. Any other relevant issue with the permission of the chair

Thanking You.

Yours Sincerely,



(Abhaya Nand Tiwari)
Secretary General