

Summary of Meeting between the Hon'ble Secretary (L&E) and the E.P.F. Officers' Association held on December 13, 2010.

Brief details of Meeting held on 13.12.2010

Venue: Mini Conference Hall, Shram Shakti Bhawan, New Delhi.

Date & Time: December 13, 2010 at 3.00 P.M

Following officials were present:

1. Shri. P.C. Chaturvedi, Secretary (L&E)
2. Shri. S. Chatterjee, C.P.F.C
3. Shri. S.K. Dev Verman, Joint Secretary
4. Shri. S.K. Verma, Director (SS)
5. Shri. R.K. Kukreja, R.P.F.C-I (HRM)
6. Shri. Shankar Pathak, President, EPFOA
7. Shri. Vijay Kumar, Former Secretary General EPFOA
8. Shri. Sudarshan Kumar, Secretary General, EPFOA
9. Shri. Ganesh Kumar, Joint Secretary General, EPFOA
10. Shri. Rakesh Kumar, Organizing Secretary, EPFOA
11. Shri. J.C.Thukral, Treasurer, EPFOA

Shri S.R. Joshi, ACC (HRM) could not attend the meeting due to administrative reasons.

Shri Shankar Pathak, President, EPF Officers Association has greeted the Secretary L&E, the C.P.F.C, the Joint Secretary and the Director with bouquets.

Hon'ble Secretary wanted to know the content of proposal prepared by E.P.F.O. regarding the restructuring of Group 'A' cadre. Shri R.K. Kukreja, R.P.F.C-I (HRM) has presented the report as submitted by pay anomaly committee. Meanwhile Shri Shankar Pathak, President has requested Secretary (L&E) to grant benefit of 30% Selection Grade (non-functional) to RC-I cadre which is presently available to fixed 29 posts. The C.P.F.C said that the implementation of 30% Selection Grade (non-functional) provision shall cover the entire cadre of R.P.F.C-I and they all shall be in receipt of Grade Pay of Rs. 8700/- in PB-4.

Hon'ble Secretary, L&E, has expressed no objection for implementation of 30% Selection Grade (non-functional) and directed to submit self-contained proposal at the earliest.

While going through the report of pay anomaly committee, the Secretary L&E has asked the Association to express their views on the pay scales proposed by HRM which are mentioned below:

Post	Grade Pay
Addl. CPFC	Rs 10,000
RPFC-I(NFSG)	Rs 8,700
RPFC-I (NO RC-I will fall under this category)	Rs 7,600
RPFC-II	Rs 7,600
APFC(STS)	Rs 6,600
APFC	Rs 5,400

Shri Sudarshan Kumar, Secretary General, formulated and presented the viewpoint of the Association. He began with the declaration that the proposal put forward by HRM has failed to meet the aspiration of officer community and wanted to present the proposal prepared by the Association on cadre review. He said that till date only tweaking of few posts and grades took place and no cadre review exercise is undertaken. He explained the need for and the bases underlying the proposal for holistic cadre review in view of statutory mandate, diversification of working areas, swelling corpus and increased work load. Specific mention was made of the higher responsibility involved in entering into and executing social security agreements with sovereign entities and the addition coverage of big concerns accruing out of amendment effected in the Finance Act, 2006. Coming to statutory provisions section 5D (7) (a) of our Act mandates equality of service conditions of officers of C.B.T vis-à-vis officers of Govt. of India and section 5D (7) (b) supply formulae for drawing such equality. These changes were incorporated by way of amendment of the Act and it's undisputed fact that the Legislature amends an Act only if there are compelling reasons to do so. Though these changes were effected in the year 1988 no action is taken till date to fulfil this statutory mandate and it remains unimplemented despite lapse of more than two decades since. To this Hon'ble

Secretary asked Shri Sudarshan Kumar to read out these statutory provisions. On being apprised of the content he had shown concurrence with interpretation of these clauses made out by Mr. Kumar. Then the proposals were explained one by one starting from the bottom. To begin with it was proposed to promote an A.C. to Senior Time Scale (STS) on completion of four years of service as against the current rule of five years. Further the designation of Deputy Commissioner, kept in reserve till date, was proposed to be made operational and to be assigned to an officer on him/her being promoted to STS. Then came the turn of RC-II. It was explained that the statute only talks of R.C. and there is no mention of its subdivisions into I and II. Also the present designation of RC-II compacts officers having as large a service as 18 years and as low as 7 years into the same bracket and this designation hardly signifies the status of seniority of an officer. It is therefore proposed to do away with designation and to divide it into two parts to be known as Joint Commissioner and Additional Commissioner. Further the utility and appropriateness of continuation of terminology "P.F." was explained. In view of expanding mandate of the Act through inclusion of pension and insurance functions and the recent "Social Security" agreements being entered with sovereign entities it is proposed to substitute the phraseology "P.F." with "Social Security" in the nomenclature of the Act, designations and the Organisation. It was put forth that appearance of "Social security" shall also improve the willingness of New World countries to enter into social security agreement with us as "P.F." is a less understood concept there.

Shri Kumar also brought to the notice of the Hon'ble Secretary the fact that the Social Security is the central function of a welfare state and the same is specifically mentioned in the Directive Principles of State Policy. No such Constitutional status is provided to functions like collection of revenue, whose administrators are in receipt far superior conditions of service compared to us.

The detailed proposal presented before the Hon'ble Secretary is listed below:

Sl. No.	Present designation	Proposed Designation	Proposed Level [in terms of sections 5D (7) (a) & 7 (b) of the Act]	Grade Pay (in Rs.)	Function
(1)	(2)	(3)	(4)	(5)	(6)
1	CPFC	Director General (Social Security)	Secretary to Govt. of India/Equivalent	Apex Scale	Country head
2	NEW POST	Addl. Director General (Social Security)	Higher Administrative Grade	HAG+ scale	Country Head of each functional area
2	ACC	Chief Commissioner (Social Security)	Higher Administrative Grade	12,000	Head of Zones and sub-heads of Functional areas in H.O.
3	RPFC-I	Commissioner (Social Security)	Senior Administrative Grade	10,000	Head of R.O. OR Branch Officer in H.O. OR Head of each offices in Metro Cities
5	RPFC-II) with 14 years of Gr. 'A' service	Addl. Commissioner (Social Security) NFSG	Selection Grade (NFSG)	8,700	Head of bigger S.R.O. OR In R.O. or H.O.
6	RPFC-II Below 14 years of Gr. 'A' service	Joint Commissioner (Social Security)	Junior Administrative Grade	7,600	Head of smaller SRO OR In R.O. or H.O.
6	APFC (time scale after 5 yr)	Deputy Commissioner (Social Security) (after 4 yr in APFC cadre)	Senior Time Scale	6,600	Branch Officer
7	APFC	Asst. Commissioner (Social Security)	Junior Time Scale	5,400	Branch Officer

The Central P.F. Commissioner agreed by Shri S. K. Verma, Director, Social Security has informed that Grade Pay of Rs. 12,000/- is no further a part of PB-4. It has been submitted in

response that the proposal shall be suitably amended to substitute the G.P. of Rs. 12,000/- with the new pay scale which is brought into effect by G.o.I. in substitution to this G.P.

It is also proposed to do away with fragmented and disjointed Recruitment Rules (RRs) currently in vogue for each cadre of Group 'A' service viz. APFC, RC-II, RC-I and ACC. Instead a composite RR is proposed for all Group 'A' cadre. This was strongly concurred by the C.P.F.C who wondered as to why such fragmented RRs were drafted in the first place. It was suggested further that the proposed composite RR should assign a common name to the cadre viz. Indian Social Security Service and to define crucial terminology like "cadre", "service," "batch" and "Cadre Controlling Authority". Secretary (L&E) has also expressed his unhappiness with present fragmented recruitment rules for each cadre and suggested to undertake this exercise subsequent to the implementation of the Cadre Restructuring. Anticipating any rival claim viz. from ESIC, to the service "Indian Social Security Service" it is proposed to merge the two cadres under this nomenclature with the mandate to administer both Acts of 1948 and 1952. The issue of recruitment through Civil Services Examination was also raised. The Hon'ble Secretary feels strongly that there is no bar to UPSC making it part of Civil Services Exam but he apprised the unwillingness of UPSC, with whom he raised this issue earlier, to implement this suggestion. Shri Sudarshan Kumar drew the attention of the Hon'ble Secretary to the grossly irregular recruitment and the situation where the entry level (JTS) has become almost DR-less. Answering to it he disclosed that the UPSC is willing to make recruitment on annual basis if the manpower requirement for six to seven years are projected and submitted to it in advance. He assured that the issue of recruitment through Civil Services will be raised with Chairman and Members of UPSC.

Drawing the attention of the Secretary to yet another unimplemented circular, Shri Sudarshan Kumar demanded the extension of benefit of IAS -2 rule laid down in Sixth CPC to the officers of EPFO. It was explained by Secretary (L&E) and also by the C.P.F.C that this Circular is applicable only to those members of Organised Group 'A' service who are deputed to Centre through Central Staffing Scheme. As there is no indication in the circular that it is limited in its application to those members of Group 'A' service who serve in centre under Central Staffing Scheme, it was agreed to check the facts on the extent and scope of applicability of this circular.

Sh. Kumar emphasized that none of the demands of the Association are based upon the claim that we are "Organised Group 'A' Service" but the primary basis of all demands are the statutory mandate of equality of service conditions of officers of C.B.T. vis-a-vis those of Govt. of India.

The Hon'ble Secretary wanted to know whether the Association want the parity of service conditions with those of IRS, to which Sh. Kumar replied in affirmative.

The malaise of *ad hoc* promotion is plaguing the Organisation for long. It is submitted by Sh. Kumar that provisions granting benefits to officers e.g. statutory provision under S. 5D (7) (a), the administrative provision for strict adherence to model calander for DPC, grant of 30% NFSG, IAS-2 rule and the like are not implemented whereas provisions limiting such benefits e.g. the administrative direction that the service can be regularized from the date of D.P.C. and not from an earlier date e.t.c. are followed scrupulously and implemented strictly. **Thus the pattern of managerial action in wholesale non-implementation of circulars providing for benefits and strict implementation of circulars limiting the benefits defy logic, sense of fair play and even requirement of law.**

Coming to a different aspect Sh. Sudarshan Kumar pointed out that as against two years of training for members of other services under Govt. of India, we are imparted training for a variable period ranging from nil to six months. With this half skills we are sent to the field and with the help of one inspector, supposed to make assessment of large companies having activities across India viz. Hiranandani. Soon after the assessment a complaint is filed and the process of fault-finding begins, for which a large squad comprising Regional Commissioner, Three Assistant Commissioners and a host of inspectors are deputed. **The bottom line is that for fact-finding what is provided is one inspector whereas for fault-finding an army of officers & inspectors are deployed.** Finally the vigilance sets in subjugating the officer concerned for the balance period of his career. Mr. Kumar exhorted the Hon'ble Secretary to redeem the cadre from the crisis of deep demoralisation and all pervasive lack of morale. The C.P.F.C responded by saying that the officers do not take the training courses conducted at NATRSS with desired seriousness and it's only when he made such training mandatory that attendance improved. Mr. Kumar however demanded a full two year

probation and training at par training schedule of other Group 'A' services. Further setting up of a full-fledged investigation and intelligence wings to supplement the input available for the assessment work was demanded by Mr. Kumar.

Yet another issue of discriminatory and high-handed approach of CBI towards officers of E.P.F.O. was raised. Shri Sudarshan Kumar submitted that out of many such instances he would like to cite one to exemplify this approach of CBI. In one instance an attempt was made by CBI to trap one Assistant Commissioner at Bandra. Once it failed in actualizing this design the officer was slapped with a D.A. case with a meager amount of disproportionate asset to the tune of Rs. 5 lakh. Finally after years of trial, the prosecution (CBI) submitted that the whole amount of five lakh Rupees that was subject matter of D.A. case was accounted for as having been withdrawn by the accused from his S.P.F. Upon this judgment was passed by the C.B.I. Court acquitting the accused. Instead of being apologetic to the officer for his wasted years in trial or the departmental action being initiated against the guilty CBI officers, the C.B.I. instead recommended for regular departmental action (R.D.A.) against the acquitted Assistant Commissioner who finally died [Late G.V. Shelar] without getting justice in his lifetime. Sri Kumar emphasized that this discriminatory approach of C.B.I. against officers of E.P.F.O. is based upon the perception of the C.B.I. that being a weak cadre, officers of E.P.F.O. shall never protest even the most spectacular instances of injustice.

Hon'ble Secretary has appreciated the elocution of Shri. Sudarshan Kumar, but expressed his unhappiness at the image that E.P.F.O. carry. He also advised that officers should not pass assessment orders unless all records are produced. However the question as to how to ascertain whether "all" documents relevant for the purpose are produced remained elusive.

Regarding the image of the Organisation Shri Sudarshan Kumar pointed out that if an upright officer attempts to curb the corrupt practices obtaining in an office and if such measures result into abatement of income from corruption all his/her superiors gang up and report against such officer in concert.

In the concluding remark the Hon'ble Secretary (L&E) has directed EPF Officers Association to finalize the Cadre Restructure proposal and submit the same to HRM. On taking this proposal into account the HRM shall make a final proposal.

The meeting ended with thanks to all.