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EMPLOYEES' PROVIDENT FUND OFFICERS ASSOCIATION
(Recognised)
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PATRON

G. Sanjeeva Reddy,
MP (Rajya Sabha)

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SECRETARY GENERAL


Sudarshan Kumar, APFC

WORKING PRESIDENT

E. Sanjeeva Rao, R.P.F.C-II

JOINT SECRETARY GENERAL

Ganesh Kumar, R.P.F.C-II

<p><u>ORGANISING SECRETARY</u> M. S. Arya, R.P.F.C-II</p> <p><u>TREASURER</u> Pramod Singh, A.P.F.C</p> <p><u>Vice Presidents:</u></p> <p>(North) Manoj Yadav, R.P.F.C-II</p> <p>(South) Paritosh Kumar, A.P.F.C</p> <p>(East) Shekhar Kumar, RPFC-II</p> <p>(West) Ravindra Shinde, A.P.F.C.</p> <p><u>MEMBERS:</u></p> <p>(North) Rina Mandal, R.P.F.C-II</p> <p>(South) N Kishore Kumar, A.P.F.C</p> <p>(East) R.K.Sinha , A.P.F.C</p> <p>(West) G. R. Jilla, A.P.F.C.</p>	<p>To, Shri R.C. Mishra, I. A. S. The Central P. F. Commissioner Employees' Provident Fund Organisation, New Delhi – 110066.</p> <p>Date: January 11, 2012 Place: Guwahati</p> <p>Sub: Holding of bilateral meeting; request for appointment-reg.</p> <p>Sir,</p> <p>The E. P. F. Officers' Association wish you a happy and prosperous new year. The new Central Executive of the Association has come into being w.e.f. January 01, 2012. There are issues of importance respecting service benefits, Organisational restructuring and infrastructural constraints which are to be taken up with the management. One such example is non-implementation of 6th Central Pay Commission recommendation on non-functional upgradation across all scales i.e. allowing pay scales to members of a service equivalent to one allowed to a member of IAS who is junior by two batches. The detailed agenda is enclosed as Annexure I.</p> <p>It is therefore requested, Sir, to allow an appointment to E.P.F.O.A. preferably on January 19, 2012, Thursday.</p> <p>A list of office bearers likely to attend the meeting is enclosed as Annexure II.</p> <p>Yours faithfully</p> <p></p> <p>Sudarshan Kumar Secretary General E. P. F. Officers Association</p>
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The Agenda

Annexure I

I. Service & Personnel Matters

a. May implement IAS + 2 NFSG provision in EPFO.

Basis for this demand:

Section 5 (D) (7) (a) & (b) of the E.P.F. Act provides for parity of service conditions between officers of C.B.T. and those of Central Government.

&

The decision of the C.B.T., as communicated by the H.O. circular dated September 18, 2008, through which the accepted recommendations of the 6th Central Pay Commission was adopted and made applicable to E.P.F.O. reads as follows "The C.B.T. in its special meeting held on 18.09.2008 has adopted the Resolution No. 1/1/2008-1C dated 29.08.2008 issued by the Government of India accepting the recommendations of the 6th CPC for applying to its officers and employees." It's patent that it does not exclude the application of this benefit (IAS+2) to E.P.F.O.

b. May Regularise all APFCs and RPFCS w.e.f. the date of vacancy.

Basis for this demand:

- i. Since the year 2004 no regularisation was made till March 2011 in the cadre of RC II. Similar for APFCs and RC Is. Officers who were compelled to serve on *ad hoc* basis were not responsible for the denial of regular service benefits to them. It's a settled principle that a person can't be denied his rights for no fault of his.
- ii. In Hemraj Singh Chauhan [CIVIL APPEAL NO.2651-52 OF 2010], Delhi Jal Board and many other like cases the Apex Court has laid down the principle that "being considered for promotion is fundamental right of an employee". It's so for officers of E.P.F.O. too. Still our officers were not considered for promotion for various periods extending upto six years.
- iii. Not holding D.P.C. for six years were in open violation to DoPT O.M. mandating to hold D.P.C. as per prescribed annual calendar.

- c. May Implement the increased entitlement to NFSG to 30% of Senior Duty Post (SDP) to our officers in Junior Administrative Scale (JAG) w.e.f. June 06, 2000.

Background and Basis for this demand:

The DoPT vide its O.M. bearing number 22/1/2000-CRD dated June 06, 2000 increased the percentage NFSG from 15% to 30%. However this was allowed to our officers, as communicated vide the HO circular dated January 02, 2012, only w.e.f. July 14. This violates the parity of service conditions as contained in Section 5 (D) (7) (a) & (b) of the E.P.F. Act. It's so held in **Chandok case [400/HR/2010]** by CAT, Chandigarh and affirmed – on this CAT judgment being challenged in High Court by C.B.T. – by the **Hon'ble Punjab & Haryana High Court in C.W.P. No. 8438 of 2011**. It's legally impossible to allow a High Court judgment to stand unchallenged and to take an administrative decision contrary to the decree of the judgment.

- d. May Reimburse all expenditure which is wasted in respect of children's admission on account of any transfer on or after the BEGINNING of the admission season i.e. April 01 of a year.

Basis for this demand:

A public servant should not be burdened with compulsory expenditure from his personal resources in performance of public duty.

- e. May Allow reimbursement of 'PAGRI'/security deposits or amount charged by property dealers - whether one time or periodically - which are expended in hiring accommodations only where officers' quarters are not available.

Basis for this demand: Same as for d.) above.

- f. May Allow hiring of accommodation on lease basis in any place irrespective of place of posting of an officer.

Basis for this demand:

An officer having all India transfer liability may like to keep his family at one place on account of the educational needs of his children or professional compulsions of the spouse. Though the officer is duty bound to serve in any part of India, his choice to retain his family at one place should be respected and accommodated. Children and spouse should not be inconvenienced or compelled to move along the public servant every three years at the expense of their educational or professional interests.

II. Matters related to HRM & Other Wings of the Head Office

- a. May Strictly implement D.P.C. calendar as laid down by DoPT and fix accountability for its non-adherence.

Background and Basis for this demand:

Promotion on *ad hoc* basis is norm in E.P.F.O. and timely holding of D.P.C. an exception. As a result officers of all ranks were made to serve on *ad hoc* basis for as many as six years and consequently either forfeited their right to regular service or were mired in protracted litigation. This led to diversion of attention and energy from Organisational work to attending litigational requirements. The HRM wing of the Head Office has completely abdicated its responsibility in this regard. In total breach of the trust placed in public officials this wing of the Head Office practiced "*let the court decide*" approach to the hilt. This created an environment of all round despair, demotivation and mass distraction from Organisational objectives.

It's too much to expect from a man of average ordinary leaning to concentrate on Organisational goals when confronted with denial of legal and legitimate service entitlements.

Accountability should be fixed as few persons in HRM, by neglecting their duty, can cause all round Organisational chaos and demotivation.

- b. May Either rework the work norm (S.I.U. norm) or strictly implement the existing one.

Basis for this demand:

In the absence of implementation of the work norm and the requirement based manpower provisioning, wide mismatch in per capita workload across the offices prevail. It violates the principle of equal pay for equal work, under-utilises the human resource of those offices where manpower-work ratio is favourable, promotes idleness in such offices, stretches and stresses officials in those offices where manpower-work ratio is adverse and most importantly adversely affects the quality and speed of service delivery and enforcement measures resulting into poor customer satisfaction, weak enforcement of law and unpopular Organisational image.

In a recent unfortunate event one staff in our Baroda office committed suicide leaving a death note that he suffers from excessive workload making officers in that office scurrying for their defence.

- c. May Impart mandatory and full training on promotion to Group 'A' before they are applied to work.

Basis for this demand:

Efficient and trained manpower is vital for achievement of Organisational objectives. A large part of woes of present day E.P.F.O. is understood to owe its genesis to less-than-semi-trained officers and staff of the Organisation.

- d. May Draw up Manuals on i.) Office Procedure ii.) Industry Specific and General Compliance iii.) Quasi-judicial functions and iv.) Recovery

Basis for this demand:

Detailed and well drafted manual improves functional efficiency, reduces excessive discretion and brings about uniformity of work pattern across the Organisation. It gives a sense of direction and certainty in discharge of official work and expedites work disposal. It's no less useful in avoiding harassment to truthful officials who, in its absence, are subjected to vigilance investigation.

- e. May Digitise all office memoranda, circulars, rules, regulations, guidelines and manuals with topical collating and linkages among connected instruments and upload them on the respective websites of the Head Officer, Zonal Offices [for which websites need to be created] and Regional Offices

and

Issue a circular that any conduct of an officer or staff wouldn't be judged against those instruments which are not so uploaded on our website by a particular date.

Basis for this demand:

Easy accessibility of applicable rules and relevant documents is *sine qua non* for efficient and correct discharge of office function.

and

Instruments which are not within the knowledge of the Head Office or the office from which it is supposedly issued can safely be presumed not to exist and therefore not in force or binding.

- f. May Put in place long pending PIMS from C-DAC software or the software being used in IDBI bank for this purpose.

Basis for this demand: Efficient administration of personnel and HR issues.

- g. May Rework the Transfer Policy.

This new policy should contain a clause on mandatory cooling-off period of a minimum of two years after a stint of OICship for three/four years

and

the whole National Capital Region should be treated as ONE REGION in the matters of and for the purpose of implementation of transfer policy. Similar principle of ONE REGION should be applied to other metropolitan regions

and

Government of India policy on transfer in case of both spouses working may be added to our policy too.

and

Stricter implementation should be ensured and no mass violation should be practiced as witnessed in recent years.

Basis for this demand:

In our country whole bureaucracy is controlled and kept under check through the principal instrument of transfer. As it's a vital and weighty aspect in an officer's service consideration, a system should be put in place to ensure the objective use of this vital instrument. It must contain provisions for just and even-handed treatment to officers *inter se*.

h. May Implement National Litigation Policy (NLP).

Background and Basis for this demand:

It was formulated in the year 2010 and applied to all government departments with a principal objective of indentifying avoidable litigations and ensuring proactive administrative decisions in substitution of "let the court decide" approach. Its benefits are axiomatic.

i. May Install biometric based attendance registration devices in each office for generation of attendance record through it to improve punctuality.

j. May Equip all common spaces in all offices with CCTVs as done in Goa and Karnataka offices of EPFO:

Basis for this demand:

It will improve security, curtail idleness and loitering by officials and will prove useful in exigent and emergent situations.

k. May Discontinue recovery of overpayment made in settling claims or pension and substitute it with an institutional mechanism to file money suit for recovery of erroneous or excessive payment:

Background and Rationale for this demand:

Section 70 of the Indian Contract Act, 1872 under the marginal note "*Obligation of Person Enjoying Benefit of Non-Gratuitous Act*" provides that any payment made erroneously by anyone to any other can be recovered under law from the recipient of such money – whether consumed by him or not – if such payment was not intended to be gratuitous. As the overpayments made in our offices meet this description, provision of this Section of the Contract Act can be utilised to effect recovery of overpayment by filing money suit in a civil court that shall be filed by the CB.T. As this will be an institutional effort with pre-existing panels of advocates, chances of effecting recovery shall be high. Money expended in litigation may be treated as expended in welfare measure or only this amount can be apportioned and recovered as per existing formula, if money suit succeeds. Only in a case where money suit fails that full amount of overpayment may be recovered. This arrangement will create a worry-free and less-financially-hazardous work environment.

III. Infrastructural Constraints:

- a. May Set up of full-fledged NATIONAL SOCIAL SECURITY ACADEMY CAMPUS outside Delhi with all facilities and amenities to train officers recruited directly or promoted to Group 'A' cadre, exactly for the same duration and on the same line as officers of other cadres recruited through civil services examination.

Basis for this demand:

Presently officers recruited directly were given as less training as nil or two weeks before assignment of field work to them. Quality of manpower has direct correlation to the organised and comprehensive training imparted to them. Organisational objectives can't be achieved with any quantum of infrastructure unless the pool of manpower is trained to perform their duty and equipped to meet future challenges.

- b. May Provide all officers upto Section Supervisors with net & printer connected desktops.

Basis for this demand:

Once this facility is made available an instruction may be issued by the HO that each officer upto section supervisor is mandated to visit the EPF websites for updates and the practice of taking prints of each circular by OIC to be circulated among officers and other staff shall be discontinued. Thenceforth only Section Supervisor will take one print for the purpose of placing the same in the guard file and for the perusal by SSAs of such circulars. S.S. and above can always peruse them without taking their printouts. This will improve compliance of circulars, will reduce the time lag between the issuance of direction and when it is actually implemented in field offices and will reduce carbon footprint of the Organisation as it will cut the consumption of paper substantively.

- c. May lay down the norm and entitlement of physical facility and required support staff in detail to improve supervisory and work efficiency of officers.
1. May Frame rule to make all office campuses to mandatorily have officers quarters and to construct them wherever campus have enough space and where not, to get in a nearby vicinity, on lease, enough quarters on permanent basis for occupation by officers. This may be one go decision.
2. May Construct guest houses in each station we have office and holiday homes at each place of major tourist attraction or religious importance.

It will ensure reasonably comfortable stay at the place of posting in initial days after the transfer and will improve the quality of living index. It may be a one go decision to construct such structures at all places identified so.

3. May Provision for vehicle for all officers of the rank of EO and above to meet the functional needs. Recently Himachal HC ruled to this effect in connection with EPFO.
4. May Provide laptops and data cards with unlimited internet use facility to Group 'A' officers.
5. May Revise norm for size of chamber to provide for bigger chambers or alternatively common Court Rooms for all hearing to accommodate all workers and others who may be interested in attending such hearing. This will improve transparency during hearing of quasi-judicial proceedings.
6. May Provide net connected desktops, direct phone lines and all-in-one [printer, fax & scanner] device for all officers upto Section Supervisor level.

IV. Organisational & Functional Restructuring & Delegation:

- a. May Relieve all Group 'A' officers completely from all service related ORIGINAL work and to assign them only supervisory work in service related areas.

Elaboration and Basis for this demand:

It's proposed to assign to Group 'A' officers, work related to Compliance, Recovery, Legal and Administration only and areas of work related to Cash, Accounts and Pension should be taken away, in so far as discharge of original functions are concerned, from such officers. The nature of work in areas of service delivery and cash viz. comparing figures entered in challans with those in bank statements e.t.c. is routine and run-of-the-mill incompatible to intellectual requirement of and suitability for a Group 'A' officer. Such work results into wastage of their potential and dulls them. Unburdening Group 'A' officers from ORIGINAL WORK UNDER SERVICE AREAS may be duly compensated with assigning them the duty of test check of original work done in service areas by his subordinates and this new responsibility may be assigned due importance. This change will also make the subordinates attentive and watchful, who under the present system, know that they are not being monitored well as their superiors – Group 'A' officers – are left with little time to supervise their work for quality or conformity to rules and manuals. This will leave a Group 'A' officer with enough time for quality supervision and test check of original work done by his subordinates in the area of service delivery and will result in better service delivery and enforcement.

- b. May Elevate CPFC to Chair Executive Committee (E.C.) and rework delegation scheme to delegate all powers to him, except effecting major policy changes or its formulation, that should vest with CBT.

Elaboration and Basis for this demand:

Unlimited financial power should be delegated to the Central Commissioner for any purpose including acquisition of immovable asset subject to post-facto approval by E.C. or CBT depending upon the quantum expended or sanctioned exceeding a prescribed limit. This will expedite decision taking in various functional areas. Right level of delegation facilitates quicker decision making and expeditious achievement of Organisational goals.

V. Transparency Improvement:

- a. May Put scanned copies of all 7A, 7B and 7C Orders passed since January 01, 2011 on respective websites.

Basis for this demand:

All quasi-judicial hearings are public hearings and its outcome should be accessible to all. It will supply a large pool of readily available resource for potential assessing officers and will disincentive passing of unreasonable or dishonest orders as it will be open to public access and scrutiny on web.

- b. May Issue direction to put all such Orders to be passed in future on website with a provision that no 7A, 7B or 7C order shall be considered as delivered or issued till such Order is uploaded on website.

Basis for this demand: Same as above

- c. All dates of hearing and adjournment in quasi-judicial proceedings under Section 7A, 7B or 7C should be placed on website of Regional Offices on the lines of Cause List for Indian Courts.

Basis for this demand: It will allow quicker correspondence between parties and the quasi-judicial functionaries and will thereby permit shorter duration adjournments as recently instructed by the Head Office.

- d. May Each 7A, 7B, 7C Order be mandatorily reviewed by superiors to decide whether or not the EPFO will appeal against it or get it reviewed.

Basis for this demand

It will give a sense of security to assessing officers that once such review is done by superiors, the matter shall be considered as closed in so far as the accountability of the assessing officer is concerned. This system will also shift the focus from the present vigilance centric approach to one that will ensure that workers get their dues by way of getting the escaped amount reassessed under Section 7B or through the Tribunal.

- e. May Upload on website posting details – indicating OICship and functional areas assigned - for full period since joining of each Group 'A' and 'B' officer, on the lines of Executive Record Sheet for an IAS officer.

Background and Basis for this demand

Some information regarding Group 'A' officers were already collected in the past. As is the common knowledge in E.P.F.O., the discretion available to superiors in this regard may not have always been put to the use in the best interest of the Organisation. Placing such information on website will allow larger public scrutiny and will ensure greater compliance to mandate of voluntary disclosure under Section 4 of the R.T.I. Act.

- f. May Prepare a list of valuers and auctioneers to facilitate recovery

Background and Basis for this demand

There exists such a list for Income Tax Department but none for us. It will cut discretion of Recovery Officers and will facilitate recovery by promptly availing services of such empanelled resources.

- g. May Constitute a group to consider a set of measures to be undertaken to improve transparency in the Organisation in view of computerisation and impending bills - Time Bound Delivery of Services (Citizens' Charter) and Lokpal Bills.

Basis for this demand

It will help a smooth a painless transition to new transparency and accountability regime from the present system where these aspects are less pronounced.

VI. Vigilance Issues:

- a. May Fix accountability for vigilance functionaries for NOT following C.V.C. prepared vigilance manual provisions or C.V.C. or DoPT circulars

Basis for this demand

It's a matter of common knowledge with abundance of supporting documentary evidence that those norms, violation of which are visited with accountability for officials working in other functional areas, are breached no less by vigilance functionaries themselves. Yet, as is the experience, accountability is seldom fixed on them. There is no justification for such favourable treatment to those manning vigilance wings.

- b. May Put on website the promptness status [compliance to prescribed time schedule] on processing and disposal of vigilance work in terms of CVC circulars on the lines it is done for other EPFO functionaries viz. percentage of claims settled within 30 days.
- c. May Put on website scanned copies of all past VCs and all documents related to closed vigilance inquiries. Same to be done for future VCs and vigilance inquiries.

Basis for demand under b.) and c.) above: To improve transparency.

- d. May Allow higher weightage to twin factors of excessive work load [as compared to applicable norm] and little or non-existent training to EPF officials before clearing vigilance investigation in erroneous claim or pension settlement cases.

Rationale for this demand:

Section 18 of the Act provides for protection of action taken in good faith. This provision remains unimplemented and every case should be examined against this provision before giving green signal for vigilance or criminal investigation

- e. May Revisit the disconnect between rule provisions and actual practice in suspension matters

Annexure II

List of officers proposed to attend the meeting

1. Sri Shankar Pathak, President
2. Sri Sudarshan Kumar, Secretary General
3. Sri E. Sanjeeva Rao, Working President
4. Sri Ganesh Kumar, Joint Secretary
5. Sri M. S. Arya, Organising Secretary
6. Sri Pramod Singh, Treasurer
7. Sri Abhay Ranjan, Unit Secretary (H.O.)
8. Sri Manoj Yadav, Vice President (North)
9. Sri Paritosh Kumar, Vice President (South)
10. Sri Shekhar Kumar, Vice President (East)
11. Sri Ravindra Shinde, Vice President (West)
12. Smt. Rina Mandal, Member (North)
13. Sri N. Kishore Kumar, Member (South)
14. Sri R. K. Sinha, Member (East)
15. Sri G. R. Jilla, Member (West)