

**EMPLOYEES PROVIDENT FUND OFFICERS' ASSOCIATION
(Recognised)**

Bhavishya Nidhi Bhawan, G.S. Road, Near Bharalu Bridge,
Bhangagarh, Guwahati – 781 005. (Assam)

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<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> (North) Manoj Yadav, R.P.F.C-II (South) Paritosh Kumar, A.P.F.C (East) Shekhar Kumar, RPFC-II (West) Ravindra Shinde , A.P.F.C.</p> <p><u>MEMBERS:</u> (North) Rina Mandal, R.P.F.C-II (South) N Kishore Kumar, A.P.F.C (East) R.K.Sinha , A.P.F.C (West) G R Zila, A.P.F.C.</p>	<p>To, _____ Date: January 11, 2012 The Central P.F. Commissioner Place: Guwahati Employees' Provident Fund Organisation, New Delhi, 110066.</p> <p>Subject: Denial of career benefits to directly recruited Assistant Commissioner of 2006 batch – reg.</p> <p>Sir, This communication is to bring to your knowledge the denial to directly recruited Assistant P F Commissioners of 2006 batch, of career benefits which are two-fold.</p> <p><u>1. Denial of promotion to the next higher post of Regional P F Commissioner Grade II.</u></p> <p>A batch of directly recruited Assistant Commissioners had joined service in E.P.F.O. in the year 2006 during the months ranging from February to April. All of them have completed five years of regular service by the end of April 2011. By the same time a good number of vacancies – 15 regular ones and 10 odd <i>ad hoc</i> - had accumulated in the cadre of Regional Commissioner Grade II - the post next above the Assistant Commissioners. A circular issued by the Head Office bearing number HRM-II/A- 9(1)2011/110549 dated March 25, 2011 bearing testimony to existence of such vacancy is enclosed as Annexure I. As a result</p>
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many Regional Offices are being run with less number of Regional Commissioners Grade II and some sub-regional offices (SROs) are not headed by any Regional Commissioner or by one having additional charge of such SROs. Under such circumstance it was expected, and reasonably so, that officers who had completed five years of regular service shall be promoted either on regular basis – if required with some relaxation of the applicable conditions, or on *ad hoc* basis – as is the norm in this Organisation. Almost a year has elapsed since then and all posts are kept vacant disregarding the Organisational needs and legitimate promotional aspiration of Assistant Commissioners of 2006 batch.

2. Denial of upgradation to senior time scale.

The Central Board of Trustees (CBT), EPF, in its 184th meeting held on November 11, 2008 had approved grant of senior time scale i.e. P.B. 3 with grade pay of Rs. 6600/- (pre-revised time scale of Rs. 10000-15200) to all Assistant Commissioners who have completed 5 years regular service. This decision of the CBT, EPF, was circulated vide HO circular bearing no. HRD/1(1)2006/XLRI/pt-III/71171 dated December 12, 2008. A copy of this circular is enclosed as Annexure II. The same set of officers referred to earlier had completed five years of regular service in between February to April 2011. Thus almost a year has elapsed since the decision of CBT had become due and yet it remains unimplemented. Not only the decision of the CBT mandating grant of senior time scale to eligible officers was not implemented, no reason for this omission was ever communicated to the officers adversely affected.

For implementation of these measures it's imperative that the process of report and review of Annual Performance Appraisal Reports (APARs) are completed in time. Department of Personnel and Training (DoPT) has laid great emphasis on completion of this vital function in time. To ensure the timely completion of APARs the DoPT has issued many O.Ms. of which two are referred hereunder. Office Memorandum (O.M.) bearing no.21011/02/2009-Estt.(A) dated February 16, 2009 [enclosed as Annexure III] and the Office Memorandum (O.M.) bearing no.21011/01/2005-Estt.(A) (Pt-II) dated July 23, 2009 [enclosed as Annexure IV] lay down the time frame for processing of APAR which is as below:

Sl. No.	Nature of Action	Date by which to be completed [as per O.M dated February 16, 2009, Annexure III]	Date by which to be completed [as revised by O.M dated February 16, 2009, Annexure IV]
1.	Submission of report by Reporting Officer to Reviewing Officer	7th May	30 June
2.	Report to be completed by Reviewing Officer and sent to Administration or CR section/Cell	23 May	31 July
3.	...		

This O.M. [Annexure III] reads further “...in case the ACR is not initiated by the Reporting Officer for any reason beyond 30th June of the year in which the financial year ended, he shall forfeit his right to enter any remarks in the ACR of the officer to be reported upon and he shall submit all ACRs held by him for reporting to the Reviewing Officer on the next working day. Similarly, the Reviewing Officer shall also forfeit his right to enter any remarks in the ACR beyond 31st August ... The Section entrusted with maintaining the ACRs ...shall also bring to the notice of ...the Head of the Organization ... the names of those ... Officers in the month of October after receiving the completed CRs who have failed to initiate/review the ACRs even by 30th June or 31st August as the case may be. The Head of the organization may direct to call for the explanation of the concerned officers for NOT having performed the public duty of writing the ACRs within the due date and in the absence of proper justification direct that a written warning for delay in completing the ACR be placed in the ACR folder of the defaulting officer concerned.

3.In case the remarks of the Reporting officer or Reviewing Officer as the case may be have not been entered in the ACR due to the concerned officer forfeiting his right to make any entry as per the provision in para 2 above, a certificate to this effect shall be added in his ACR for the relevant period.”

This O.M. [Annexure III] ends with “Important Notice:”

(i) "The Reporting Officer is requested to complete the ACRs as per the schedule above. The Reporting Officer shall have no right to enter any remarks in the CRs after 30th June following the annual reporting period.

(ii) Reviewing Officer is also requested to complete the review of the ACRs as per the schedule above. The Reviewing Officer shall have no right to enter any remarks in the CRs after 31st August following the annual reporting period."

Adherence to directions under this DoPT O.M. dated February 16, 2009 was also emphasised by the EPFO vide Head Office circular bearing no. ACR-1/2009/Headquarters/42339 dated March 20, 2009.

It is pointed out Sir that all provisions regarding reporting and reviewing deadlines, forfeiture of right to report or review, recording the forfeiture of right to report or review in the ACR/APAR dossier of the reporting or reviewing officer concerned and the same having been emphasised by incorporating "important notice" in the same O.M. were given a complete go by and the reporting and reviewing officers are stalling the whole process with impunity.

Further the recent circular bearing no. HRM-I/D-4(1)/2009/41026 dated December 28, 2011 issued by the Head Office revealed the intention of the HRM wing to proposed holding of Screening Committee for grant of Senior Time Scale to eligible officers and APARs duly reported and reviewed by the respective reporting or reviewing officers were requisitioned by the Head Office by December 31, 2011. ACRs/APARs for years as far back as 2006-2007 are being requisitioned through it, which is in clear violation of the DOPT O.M. dated February 16, 2009 which is quoted extensively hereinabove. This circular doesn't say a word about the sanction that attaches to failure to report or review in time. On the contrary it adverts "...*the meeting of above mentioned Screening Committee shall be further postponed*" if APARs were not received by the HO by the indicted deadline. The effect of this Head Office circular – a copy of which is enclosed as Annexure V – is that a *carte blanche* is given to reporting or reviewing officers concerned in the matter of performance of this vital public duty. They can sit over the discharge of this duty – as they are actually doing - for as long as they wish without any consequence to follow. This circular sends out a clear message that getting APARs reported or reviewed is treated by the Head Office as a private matter to be settled between the officer to be reported upon on the one hand and reporting and reviewing

officers on the other. It's a clear instance of the Head Office abdicating its duty to get the mandate of the above referred DoPT circular enforced. APAR which, as per principal DoPT document on the subject - BROCHURE ON PREPARATION & MAINTENANCE OF ANNUAL PERFORMANCE ASSESSMENT REPORT FOR CENTRAL CIVIL SERVICES - is meant to be an instrument for improvement and optimisation of performance of an official has turned, in E.P.F.O., into a tool to harass the officers and to deny them their legitimate career benefits *ad infinitum*. The end result is no promotion and higher scale to members of 2006 batch Assistant Commissioners who can only squirm and grimace about the unconscionable denial of what is legitimately their due. It is pointed out Sir that when it comes to implementing those decisions of CBT which allow benefits, much delay is caused but provisions which restrict or limit benefits are applied strictly and punctually.

It is therefore requested, Sir, that the officers who have not completed this task within the stipulated time frame should be identified and in terms of the provisions of the said DoPT O.M. following actions may be taken:

I. Those Reporting or Reviewing officers who have not reported or reviewed the APARs within the stipulated time limit and also not reported or reviewed till date should be forbidden henceforth from reporting or reviewing.

II. Entries made by those Reporting or Reviewing officers who as on date have reported or reviewed the APARs but have done so beyond the stipulated time limit prescribed for them, should be treated as invalid and of no legal consequence.

III. Explanation of the officers concerned [falling under above two categories] may be called for NOT having performed the public duty of writing the ACRs within the due date and in the absence of proper justification a written warning for delay in completing the ACR/APAR may be ordered to be placed in the ACR folder of the defaulting officer concerned.

IV. Reporting officer or Reviewing Officer as the case may be who have not entered remarks in the ACR/APAR due to the officer concerned forfeiting his right to make any entry as per the provision in para 2 of the said O.M., a certificate to this effect may be ordered to be added in his APAR for the relevant period.

It's pertinent to mention that all the Assistant Commissioners recruited in the year 2006 are a group of young officers having an average age of 32 years and have performed with admirable zeal across the length and breadth of the country. They have played

critical role in achieving Organisational goals with high efficiency and within strict time limits. However continued denial of these high value rights - promotion and upgradation to Senior Time Scale - for no fault of theirs has begun to affect their morale adversely and that may only end up retarding the Organisational performance.

It is therefore humbly submitted, Sir, to get the process of implementation of the twin benefits expedited.

Thanking you.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'Sudarshan Kumar', enclosed within a circular scribble.

Sudarshan Kumar

Secretary General

E. P. F. Officers' Association