



EMPLOYEES' PROVIDENT FUND OFFICERS' ASSOCIATION
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January 20th, 2022

To,

**Ms. Neelam Shami Rao, IAS,
Central PF Commissioner,
Employees' Provident Fund Organisation,
NEW DELHI 110066**

Subject: New Transfer Policy – Regarding

Madam,

It is submitted that vide Minutes of the Senior Officers' Review Meeting held on 17.01.2022, directions have been issued to HRM Division & HRD to work together to prepare a new transfer policy within a week. As EPFO is an organisation wherein the Commissioner-cadre officers have an all-India transfer liability and as EPF Officers' Association (EPFOA) is the sole representative of EPFO Commissioner-cadre officers, the officers' association requests kind permission to grant us an opportunity to consider our submission before the proposed exercise.

2. A brief history of the framing & functioning of the present transfer policy is required to be understood for appropriate contextual background. Transfer Policy for Group A Officers existed in EPFO since 2003. The present transfer policy was

promulgated by EPFO in the year 2016 in line with DOP&T instructions for implementing the judgement of Hon'ble Supreme Court in the TSR Subramanian & Ors. case. The EPFOA was formally consulted & duly contributed at the time of policy formulation. The policy has been amended from time to time to better address changing requirements. Although it can be no one's argument that the policy, as it stands today, is perfect; however, it can be argued that it prescribes much-required objectivities in what is a very subjective process. The existence of policy since 2003 clearly shows that we were prescient and ahead of curve in having a policy much before the TSR Subramanian case. We are never weak on policy front but the implementation, where prima facie considerations other than merit come into play, distorting the intended impact of a well framed policy.

3. Unfortunately, a policy document is not worth the page it is printed on if it's not adhered. The present transfer policy prescribes specific date-wise timelines for various activities such as calling for options, date of issuance of order, timeline for submission & consideration of representations, date of effect of the transfer order, etc. But these prescribed time-lines have never been followed since 2016 in the conduct of Annual General Transfers (AGT) except perhaps once. Officers are regularly transferred when their children are in middle of the academic year putting additional financial & mental burden on them. The transfer policy provides specific station tenure of 3 years to officers, however, time and again officers have been removed or transferred as per whims & fancies on flimsy grounds (which are not even mentioned in the policy and are made up every year to fit the requirement of the management). The transfer policy provides that officers who have been transferred, or not transferred, against their will, shall be provided a time period for representation before competent authority and the AGT shall be implemented after due disposal of their representations, however, all transfer orders are being issued with directions to join new place of posting immediately without even availing due joining time. The transfer policy allows for deviations in order to address exceptional circumstances, however, now deviation has become norm. If so required, the transfer list for any year may be seen to verify the percentage of officers transferred with deviation from policy as against those transferred in keeping with the policy. The transfer policy, in the interest of transparency, specifically states that the minutes of the meetings of the EPF Officers' Transfer Committee (EOTC) shall be placed on the organisation's website. But the fact is that EPFO is unwilling to share copies of the minutes of the meetings of EOTC even under the RTI Act, 2005 even though no such exemption can be claimed under the law.

4. Ma'am, above are only the major points of deviation from prescribed transfer policy, but they are enough to highlight that the problem in transfers or the controversy that surrounds the entire process is not due to policy failure but primarily due to implementation failure. During last AGT of RPFC-I cadre officers conducted in July 2021, some officers were removed pre-maturely and without their option or consent. The grounds of their removal do not find any mention in the transfer policy. The controversy found its way into media & even the Parliament because our organisation did not follow our own policy and blatantly corrupted its implementation with complete disregard to consequence.

5. As is evident from above it is not the transfer policy which is faulty but rather a determined administrative policy of not adhering to the prescribed transfer policy. And if that is the case, any number of new transfer policies may be framed but they will all be useless if not followed at time of implementation.

6. It has also been learnt that directions have been issued that the transfer policy of teachers in Haryana state may be studied and suitable transfer policy may be framed for EPFO commissioner-cadre officers on similar lines. It may kindly be considered that the schoolteachers in a geographically small state like Haryana are nowhere similarly placed as our officers. Firstly, we have an all-India transfer liability in EPFO, an officer from say Punjab who may be posted to an office in Kerala is days away from home whereas it's a matter of few hours in Haryana. Secondly & more importantly, the work profile of school teachers is vastly different from the work profile of an officer in EPFO commissioner-cadre. There can simply be no comparison between such patently different jobs. Even in Haryana, the teachers' transfer policy is not without controversy and in fact has not even been extended to cover teachers in Haryana state universities. If EPFO commissioner-cadre can be compared in terms of work profile as well as all-India transfer liability, perhaps, the Income Tax department or the Customs, Central Excise & GST department comes the closest. Even the CBT, EPF has in the past approved framing of service conditions for EPFO officers on similar lines as the IRS.

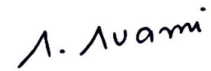
7. Therefore, we sincerely request you that let us not throw the baby out with the bath water by coming up with new transfer policy just because we did not follow the present one. Let us try to properly follow the present policy which is a result of extensive exercise & deliberations. Furthermore, it is submitted that as per the present transfer

policy (which requires annual general transfers to be in effect by April 1st) we have already missed the deadline for submission for options. Any further delay on account of framing new policy shall only be an exercise in procrastination.

8. Please consider that our officers are dedicated, hardworking and sincere. We have not only achieved but surpassed innumerable targets & goals set for us by the Government as well as different CPFCs from time to time. But due to vast geographical distances, in EPFO, transfers are a life changing event not only for the officer concerned but also his entire family. Any arbitrary & one-sided decisions must be avoided at all costs. If at all any new transfer policy is required to be framed, kindly do not delay the AGT 2022 on this ground, and please involve the EPFOA as an important stakeholder in the discussions.

Thanking you.

Yours sincerely,



[Saurabh Swami]
Secretary General