



**EMPLOYEES' PROVIDENT FUND OFFICERS' ASSOCIATION**  
**EMPLOYEES' PROVIDENT FUND ORGANISATION**  
**MINISTRY OF LABOUR AND EMPLOYMENT, GOVT. OF INDIA**  
**Regional Office, Sham Nagar, Near General Bus Stand, Ludhiana – 141001 (Punjab)**

(Regn. No. 33/2015)

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Assistant PF  
Commissioner

TREASURER

Smt. Ritu Kanojia  
Assistant PF  
Commissioner

May 19<sup>th</sup>, 2023

To,

**Ms. Nidhi Srivastava,**  
**Deputy Secretary to Government of India,**  
**Secretariat of the Appointments Committee of the Cabinet,**  
**M/o. Personnel, Public Grievances and Pensions,**  
**Department of Personnel and Training,**  
**North Block, New Delhi – 110001**

**Subject: Non-adherence to notified Recruitment Rules in the recent advertisement issued by Secretariat of the Appointments Committee of the Cabinet, Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training vide F.No. 4/212023-EO(SM-I) dated 24.04.2023 for post of Additional Central Provident Fund Commissioner (HQ) (JS level), Employees Provident Fund Organisation (EPFO) under the Ministry of Labour & Employment- Regarding**

**Ref: 1.** F.No. 4/212023-EO(SM-I) of Government of India dated 24.04.2023

**2.** EPFO-OA's letter dated 04.08.2022 addressed to Ms. Nidhi Srivastava.

Ma'am,

As you may be aware, the Government of India had been appointing 20 per-cent of the sanctioned posts of Additional Central Provident Fund Commissioner (HQ) on Lateral Shift Basis. However, as per the Recruitment Rule of the Additional Central Provident Fund Commissioner (HQ), these posts are to be treated as deputation posts, and therefore, appointments on these posts cannot be made on Lateral Shift Basis. On 4<sup>th</sup> August, 2022, the Officers' Association of EPFO wrote a letter, highlighting the inappropriateness of appointing Additional CPFC(HQ) directly by the Central Government under the Central Staffing Scheme. We are pleased to note that the government has

accepted our point of view, even though partially, and an advertisement dated 24<sup>th</sup> April, 2023 has been issued by the Government of India to fill one post of Additional Central Provident Fund commissioner (HQ) through the Civil Services Board Procedure under the Non-Central staffing scheme.

However, we must bring to your attention that even this procedure is wrong as per section 5D of the EPF & MP Act, 1952. The statute has given power of appointment to the Central Government only for the post of CPFC and FA & CAO. For the post of Additional CPFC(HQ), the appointment authority is the Central Board of EPFO. It shall be noted that the Recruitment Rule of Additional Central Fund Commissioner (HQ), published through the Gazette notification dated 16<sup>th</sup> March, 2018, was issued by the Central Board of EPFO, and not by the Central Government and it nowhere mentions that the appointment on deputation basis shall be made by the Central Government. Thus, the Recruitment Rules, as far as appointment to the post of Additional CPFC (HQ) is concerned, are completely aligned with the provisions of the Act, and appointment power for the post of Additional CPFC (HQ), whether by promotion or deputation is in the domain of the Central Board.

Filling these posts by the Central Government under *Non-Central-Staffing-Scheme* is wrong for one more reason. As per *Consolidated Deputation Guidelines* issued on 17<sup>th</sup> November, 2022 by DoPT, only those posts may be covered under *Non-Central-Staffing-Scheme* which belong to Autonomous Institutions wholly or substantially funded or controlled by the Central Government. Central Board under the EPF & MP at 1952 is a Statutory Board which is neither funded nor controlled by the Central Government. Therefore, the only body which can make an appointment to the post of Additional CPFC (HQ) through deputation is the Central Board itself.

Furthermore, there is another crucial issue that needs to be brought to the attention of the Central Government. As per section 5D(7)(a) of the EPF & MP Act, 1952, the method of recruitment of the Additional Central Provident Fund Commissioner shall be such as may be specified by the Central Board in accordance with the rules and orders applicable to the officers and employees of the Central Government drawing corresponding scales of pay. Since the post is analogous to the post of Joint Secretary to the Government of India, it treats the officer holding the post in the pay scale of level 13A under Central Government and Central Board very differently. Nowhere under the Central Government a minimum service of 24 years is required to hold the post of Joint Secretary if the person has already been placed at the level 13A of the pay matrix. Therefore, the deputation clause of the Recruitment Rule is violative of the section 5D(7)(a) of the EPF & MP Act, 1952. It would be a further reason to not dabble into a domain which, on the one hand, has not been given by the statute to Central Government and, on the other hand, may be violative of the statute.

In light of the above, I request you to withdraw the current advertisement and refer the matter back to the Central Board guiding them to make their own independent advertisement for filling these posts through deputation. This will ensure that the selection process is in line with the existing laws and rules and does not violate any procedures laid down by the Appointment Committee of Cabinet (ACC).

I would also like to emphasize that my purpose in bringing these issues to your attention is not to create any hindrance in the selection process. Instead, it is to ensure that the appointments made are fair, transparent, and in compliance with the existing laws and rules. The procedures followed by the Appointments Committee of Cabinet (ACC) are sacrosanct and involve the highest

authorities of India. It is, therefore, imperative that no appointment should be made through their authority, which may be violative of existing laws and rules, even if inadvertently.

Thanking You!

Yours sincerely,



**[Saurabh Swami]**  
**Secretary General**

Copy to:

1. Hon'ble Minister, M/o. L & E, Govt. of India
2. Secretary, Appointments Committee of the Cabinet & Establishment Officer
3. Secretary to Govt of India, M/o. L & E
4. CPFC, EPF HQ, New Delhi



# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग III—खण्ड 4

PART III—Section 4

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

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नई दिल्ली, शुक्रवार, मार्च 16, 2018/फाल्गुन 25, 1939

No. 103]

NEW DELHI, FRIDAY, MARCH 16, 2018/PHALGUNA 25, 1939

श्रम एवं रोजगार मंत्रालय

(कर्मचारी भविष्य निधि संगठन)

अधिसूचना

नई दिल्ली, 16 मार्च, 2018

**सं. मा.सं.प्र./56/2016/आयुक्त संवर्ग.**—कर्मचारी भविष्य निधि एवं प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) की धारा 5 डी की उपधारा (7) के क्लॉज (ए) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा कर्मचारी भविष्य निधि संगठन, अपर केंद्रीय भविष्य निधि आयुक्त (मुख्यालय) भर्ती नियम, 2013 में संशोधन हेतु, एतद्द्वारा केंद्रीय बोर्ड, कर्मचारी भविष्य निधि निम्नलिखित नियम बनाता है, यथा :

- (1) इन नियमों को कर्मचारी भविष्य निधि संगठन, अपर केंद्रीय भविष्य निधि आयुक्त (मुख्यालय) भर्ती (संशोधित) नियम, 2018 कहा जाएगा।  
(2) ये शासकीय राजपत्र में प्रकाशन की तिथि से प्रभावी होंगे।
- कर्मचारी भविष्य निधि संगठन अपर केंद्रीय भविष्य निधि आयुक्त (मुख्यालय) भर्ती नियम, 2013 में,  
(क) नियम 2 के लिए, निम्नलिखित नियम प्रतिस्थापित किया जाएगा, यथा:-

**“2. पदों की संख्या, वर्गीकरण तथा वेतन मैट्रिक्स में लेवल.**—पदों की संख्या, उनका वर्गीकरण तथा वेतन मैट्रिक्स में उनका लेवल वे होंगे जो इन नियमों के साथ संलग्न अनुसूची के कॉलम (2) से (4) में विनिर्दिष्ट हैं।”

- (ख) अनुसूची के लिए, निम्नलिखित अनुसूची प्रतिस्थापित की जाएगी, यथा:-

## अनुसूची

पद का नाम	पद की संख्या	वर्गीकरण	वेतन मैट्रिक्स में लेवल	चयन पद अथवा गैरचयन पद	सीधी भर्ती वाले उम्मीदवारों हेतु आयु सीमा
(1)	(2)	(3)	(4)	(5)	(6)
अपर केंद्रीय भविष्य निधि आयुक्त (मुख्यालय)	11* (2018) *कार्यभार के अनुसार परिवर्तनीय	ग्रुप 'क' गैर- अनुसचिवीय	लेवल-14 (1,44,200-2,18,200 रुपये)	चयन पद	लागू नहीं

सीधी भर्ती वाले उम्मीदवारों हेतु शैक्षिक तथा अन्य योग्यताएं	क्या सीधी भर्ती के उम्मीदवारों के लिए निर्धारित आयु तथा शैक्षिक योग्यता पदोन्नति के मामले में भी लागू होंगी	परिवीक्षा की अवधि, यदि कोई हो	भर्ती की पद्धति, क्या सीधी भर्ती या पदोन्नति द्वारा या प्रतिनियुक्ति या आमेलन के द्वारा तथा विभिन्न पद्धतियों के द्वारा भरी जाने वाली रिक्तियों का प्रतिशत
(7)	(8)	(9)	(10)
लागू नहीं	लागू नहीं	लागू नहीं	(i) 80% पदोन्नति द्वारा, (ii) 20% प्रतिनियुक्ति द्वारा

पदोन्नति या प्रतिनियुक्ति या आमेलन द्वारा भर्ती होने की स्थिति में श्रेणियां, जिनसे पदोन्नति या प्रतिनियुक्ति या आमेलन किया जाएगा	यदि विभागीय पदोन्नति समिति गठित है, तो उसकी संरचना	भर्ती करते समय किन परिस्थितियों में संघ लोक सेवा आयोग से परामर्श किया जाएगा
(11)	(12)	(13)
(i) <b>पदोन्नति:</b> लेवल-13ए (1,31,100-2,16,600 रुपये) में अपर केंद्रीय भविष्य निधि आयुक्त के मूल पद पर चार वर्ष की नियमित सेवा करने वाले अधिकारी। ऐसा न होने पर कर्मचारी भविष्य निधि संगठन में ग्रुप 'क' में चौबीस वर्ष की नियमित सेवा वाले अपर केंद्रीय भविष्य निधि आयुक्त के मूल पद पर सेवारत अधिकारी (ii) <b>प्रतिनियुक्ति:</b> संयुक्त सचिव के पद पर सेवारत भारत सरकार का अधिकारी या जो भारत सरकार के संयुक्त सचिव के स्तर पर पद धारण करने योग्य है।	<b>विभागीय पदोन्नति समिति (पदोन्नति के संबंध में विचार करने के लिए) जिसमें शामिल हैं:-</b> i. सचिव, भारत सरकार, श्रम एवं रोजगार मंत्रालय: —अध्यक्ष ii. अपर सचिव, भारत सरकार, श्रम एवं रोजगार मंत्रालय : —सदस्य iii. केंद्रीय भविष्य निधि आयुक्त: —सदस्य	संघ लोक सेवा आयोग से परामर्श की आवश्यकता नहीं है।”

डॉ. वी.पी. जोय, केन्द्रीय भविष्य निधि आयुक्त एवं सचिव, केन्द्रीय बोर्ड, कर्मचारी भविष्य निधि

[विज्ञापन III/4/असा./476/2017-18]

**नोट :** दिनांक 18 दिसम्बर, 2013 को संख्या मा.सं.वि./1(1)2011/कैडर रीस्ट्रक्चरिंग/भाग-1 के तहत मुख्य नियम भारत के राजपत्र, भाग-III, धारा 4 में प्रकाशित किए गए थे।

**MINISTRY OF LABOUR AND EMPLOYMENT**  
**(EMPLOYEES' PROVIDENT FUND ORGANISATION)**

**NOTIFICATION**

New Delhi, the 16th March, 2018

**No. HRD/56/2016/RR/Commissioner Cadre.**—In exercise of the powers conferred by clause (a) of sub-section (7) of section 5D of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Board, Employees' Provident Fund, hereby makes the following rules to amend the Employees' Provident Fund Organisation Additional Central Provident Fund Commissioner (Hqrs.) Recruitment Rules, 2013, namely:-

1. (1) These rules may be called the Employees' Provident Fund Organisation Additional Central Provident Fund Commissioner (Hqrs.) Recruitment (Amendment) Rules, 2018.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Employees' Provident Fund Organisation Additional Central Provident Fund Commissioner (Headquarters) Recruitment Rules, 2013,

(a) for rule 2, the following rule shall be substituted, namely:-

**“2.Number of posts, classification and level in the pay matrix.**—The number of posts, its classification and the level in the pay matrix attached thereto shall be as specified in columns (2) to (4) of the Schedule annexed to these rules.”;

(b) for the Schedule, the following Schedule shall be substituted, namely:-

**“SCHEDULE**

Name of post	Number of posts	Classification	Level in the pay matrix	Whether selection post or non-selection post	Age limit for direct recruits
(1)	(2)	(3)	(4)	(5)	(6)
Additional Central Provident Fund Commissioner (Hqrs.)	11*(2018) *Subject to variation dependent on workload.	Group 'A' (Non-Ministerial)	Level – 14 (Rs. 1,44,200 – 2,18,200)	Selection post	Not applicable

Educational and other qualifications required for direct recruits	Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees	Period of probation, if any	Method of recruitment whether by direct recruitment or by promotion or by deputation or absorption and percentage of the vacancies to be filled by various methods
(7)	(8)	(9)	(10)
Not applicable	Not applicable	Not applicable	(i) Eighty per cent. by promotion (ii) Twenty per cent. by deputation

In case of recruitment by promotion or deputation or absorption, grades from which promotion or deputation or absorption to be made	If a Departmental Promotion Committee exists, what is its composition	Circumstances in which Union Public Service Commission to be consulted in making recruitment
(11)	(12)	(13)
<p>(i) <b>Promotion:</b> Officers holding the substantive post of Additional Central Provident Fund Commissioner grade in Level-13A (Rs.1,31,100 – 2,16,600) having four years' regular service in the grade;</p> <p>Failing which officers holding the substantive post of Additional Central Provident Fund Commissioner grade in Level-13A (Rs.1,31,100 – 2,16,600) having twenty four years regular service in Group 'A' in Employees' Provident Fund Organisation.</p> <p>(ii) <b>Deputation:</b> Officers of the Government of India holding the post of Joint Secretary or Officers eligible to hold the post at the level of Joint Secretary to the Government of India.</p>	<p><b>Departmental Promotion Committee (for considering promotion) consisting of:-</b></p> <p>(a) Secretary to the Government of India, Ministry of Labour and Employment – Chairman.</p> <p>(b) Additional Secretary to the Government of India, Ministry of Labour and Employment – Member.</p> <p>(c) Central Provident Fund Commissioner – Member.</p>	<p>Consultation with Union Public Service Commission is not necessary.”</p>

Dr. V.P. JOY, Central Provident Fund Commissioner and  
Secy., Central Board, Employees' Provident Fund  
[ADVT.-III/4/Exty./476/2017-18]

**Note :** The principal rules were published in the Gazette of India, Part III, Section 4, *vide* number HRD/1(1)2011/Cadre Restructuring/Pt.1 dated the 18<sup>th</sup> December, 2013.

RAKESH  
SUKUL

Digitally signed by  
RAKESH SUKUL  
Date: 2018.03.16  
22:09:06 +05'30'

F.No. 4/2/2023-EO(SM-I)  
Government of India  
Secretariat of the  
Appointments Committee of the Cabinet  
Ministry of Personnel, Public Grievances and Pensions  
Department of Personnel and Training  
\*\*\*

North Block, New Delhi, 24.04.2023

To

1. The Chief Secretaries, All State Governments.
2. The Secretaries of all the Ministries/Departments of Government of India.

Subject: Filling up the post of **Additional Central Provident Fund Commissioner (HQ) (JS level), New Delhi** in Employees Provident Fund Organisation (Hqrs) (EPFO) under the Ministry of Labour & Employment.

Sir/Madam,

It is proposed to fill up one post of **Additional Central Provident Fund Commissioner (HQ) (JS level)** in Employees Provident Fund Organisation (Hqrs) under the Ministry of Labour & Employment with pay at Level 14 (Rs.1,44,200-2,18,200/-) of the Pay Matrix on deputation basis *vice* Ms. Neelam Sanghi, IRAS (1989).

2.(a) Names of willing and eligible officers, who have been empanelled to hold Joint Secretary or equivalent posts at the Centre under the Central Staffing Scheme, may be recommended to this office along with cadre clearance, vigilance clearance, detailed bio-data, viz. name, date of birth, service, batch, contact telephone number, email address, educational qualifications, complete experience/posting details etc. CR dossiers/certified ACRs for the last five years and details of debarment & cooling off in respect of past central deputation. In case the officers are currently on Central deputation, the nomination may be forwarded with the approval of the Minister-in-charge concerned.

(b) The post is a Non-Central Staffing Scheme post to be filled up through the Civil Services Board (CSB) procedure. It may be noted that no 'Mandatory Posting Certificate' for allotment/retention of Government accommodation would be issued by this office to the officer appointed on the above referred post. However, those officers who have served and are currently serving on Central Staffing Scheme post in Delhi for at least four years and require to retain Government accommodation, would be issued a certificate to the effect that the officer concerned has served for at least four years in CSS post and he/she needs to retain Government accommodation for his/her tenure on non-CSS post.

3. The last date for submission of application for the above referred circular is **24.05.2023**. Nominations as well as all correspondence on the subject may be routed through email id: [dirsm@nic.in](mailto:dirsm@nic.in) and [useosm1@nic.in](mailto:useosm1@nic.in) only. Nominations are to be routed through DoPT online interface (DoPT website>>EO Division>>Apply for posts of CSS, CVO and Others- Non-CSS category>>SUPREMO) for those officers who have not yet applied for any other posts online this year; this office is not accepting any physical communication.

Yours faithfully,



(Nidhi Srivastava)

Deputy Secretary to the Government of India  
Tel. No. 011-23092187

Copy to:-

1. Ministry of Labour & Employment (Ms. Arti Ahuja, Secretary), New Delhi.
2. Technical Director, NIC, Computer Cell, DOPT, New Delhi for uploading this vacancy circular on the official website of this Department.
3. PA to Deputy Secretary(SM), DOPT, New Delhi with a request to arrange to upload this vacancy circular through bulk e-mailing system of officers.





**EMPLOYEES' PROVIDENT FUND OFFICERS' ASSOCIATION**  
**EMPLOYEES' PROVIDENT FUND ORGANISATION**  
**MINISTRY OF LABOUR AND EMPLOYMENT, GOVT. OF INDIA**  
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Mugappair (E), Chennai 600 037

(Regn. No. 33/2015)

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PRESIDENT

Navendu Rai  
Regional PF Commissioner-I

WORKING PRESIDENT

Ganesh Kumar  
Regional PF Commissioner -I

SECRETARY GENERAL

Saurabh Swami  
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Hansraj Roy  
Regional PF  
Commissioner -II

TREASURER

M.K. Sharma  
Assistant PF  
Commissioner

MEMBER, CENTRAL  
EXECUTIVE

Deepak Narwal  
Assistant PF  
Commissioner

**04<sup>th</sup> August 2022**

**To**

**Ms. Nidhi Srivastava**  
**Deputy Secretary to Government of India**  
**Secretariat of the**  
**Appointments Committee of the Cabinet**  
**M/o. Personnel, Public Grievances and Pensions**  
**Department of Personnel and Training**  
**North Block, New Delhi – 110001**

**Subject: Posting of officers to EPFO on deputation through  
Central Staffing Scheme in violation of statutory  
provisions under EPF Act - Regarding**

Madam,

The Employees' Provident Funds Organisation (EPFO) is under the administrative supervision of the Ministry of Labour & Employment, New Delhi.

The parent statute, the Employees' Provident Funds & Miscellaneous Provisions Act 1952, specifies that the Central Government **shall appoint** the Central PF Commissioner [CPFC]. It further states that the Central Government **may also appoint** the Financial Advisor & Chief Accounts Officer [FA & CAO] to assist the CPFC. All other appointment powers are vested in the Central Board EPF set up under the above said Act.

The extant recruitment rules for the posts in EPFO equivalent to Joint Secretary to Government of India provide for **appointment on deputation to 20% of such posts**. The ACC has been treating these two posts as part of the Central Staffing Scheme and accordingly issuing orders for appointment to these posts from amongst eligible officers of AIS and Central Services. These appointments, as narrated above, are not regular and go beyond the statutory specification.

We seek to submit that in case if these posts are treated as part of CSS, then the Commissioners' cadre of EPFO should also be permitted to participate in the Central Staffing Scheme and be made eligible for being placed in zone of consideration for various posts therein. We strongly request for same.

In case, it is not found feasible kindly ensure that ACC issues appointment orders only for the posts of CPFC and FA & CAO, as envisaged in the parent statute.

Thanking you.

Yours sincerely,



**[Saurabh Swami]**  
**Secretary-General**

Copy to:

1. Hon'ble Minister, M/o. L & E, Govt of India
2. Secretary to Govt of India, M/o. L & E
3. CPFC, EPF HQ, New Delhi

...with a request to ensure the needful.



**[Saurabh Swami]**  
**Secretary-General**