



EMPLOYEES' PROVIDENT FUND OFFICERS' ASSOCIATION
EMPLOYEES' PROVIDENT FUND ORGANISATION
MINISTRY OF LABOUR AND EMPLOYMENT, GOVT. OF INDIA
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(Regn. No. 33/2015)

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Assistant PF
Commissioner

March 1st, 2024

To

**Ms. Sumita Dawra, IAS,
Secretary to the Govt. (L&E),
Ministry of Labour & Employment,
Government of India,
NEW DELHI 110 001.**

**Subject: Extending warm welcome and request for an early appointment -
regarding**

Ma'am,

On behalf of the officers of EPFO, the EPF Officers' Association (EPFOA) warmly welcomes you to the Ministry & the Central Board of Trustees, EPF.

It is submitted that the EPF Officers' Association (EPFOA) is the representative service-association of all Commissioner-cadre officers of EPFO and endeavours to promote & safeguard service-related interests of EPFO officers & the organisation.

It is requested that you may kindly grant an appointment to the office bearers of the EPFOA at your earliest convenience so that certain important issues may be brought to your kind attention. A brief gist of the important EPFO officers-related issues is attached herewith for your kind perusal.

With regards.

Yours sincerely,

S. Swami

**[Saurabh Swami]
Secretary-General**

IMPORTANT ISSUES REQUIRING KIND INTERVENTION OF SECRETARY (L&E)

A. Central Board EPF has recommended extension of EPF membershipby:

- a. enhancing the statutory wage ceiling and linking it to an identifiable metric. Further all employees in an establishment may be enrolled compulsorily under EPF and contributed upto specified wage ceiling.
- b. reducing the coverage threshold from 20 to 10 employees in a establishment for mandatory EPF enrolment.

The above recommendations are now with the MoL&E for more than a year for necessary decision. We request you to expedite an appropriate decision in the matter.

B. The existing software and hardware infrastructure of EPFO are well beyond their “use-by” date for some time now. We had requested the Hon’ble Chairman CBT for emergent intervention. A committee headed by AS(L&E) was constituted and EPF Officers’ Association was also given an audience. We’ve seen no further action in the matter. Kindly review and ensure application of necessary correctives immediately.

C. Inordinate delay in promotions in the officer cadre -The extant instructions state that DPC for promotions for all posts be held regularly and consequential promotion orders issued well in time. Ad-hoc promotions to officers under chargesheet or to officers next below in rank after lapse of prescribed time are a routine practice in Government. Unfortunately, this is never followed in EPFO. It is a sort of double jeopardy. Disciplinary proceedings are not concluded in time and administrative posts are kept vacant for long periods, leading to operational difficulties. **We request your kind intervention and urgent remedial action.**

D. Non-Functional Upgradation (NFU) to eligible EPF officers was approved almost a decade ago. Inexplicably, no screening has been held till date. This is so when MoLE had written in 2012 itself to constitute a committee to complete the process.

E. Allowing Non-Functional Selection Grade (NFSG) to left out eligible officers – NFSG has been allowed to eligible officers, four years after the approval for same was accorded by Government of India. It has, however, been denied to few officers in violation to DoPT instructions on Vigilance Clearance Certificate (VCC) status, which categorically state that VCC status for NFSG is to be seen on date of eligibility. Because the NFSG was allowed after considerable delay of more than four years, VCC status was erroneously sought on date of (delayed) screening. That, this is wrong, has been clarified again by MoLE on a reference from EPFO Headquarters. It is requested that orders allowing NFSG to such left out officers may be issued immediately as their screening is already done. Further, timely screening for eligible officers may be done immediately.

F. Allowing Senior Time Scale (STS) to eligible officers – The report of the screening committee is now before MoL&E for approval, which is inexplicably held-up for more than two years now.

For this administrative inaction, the EPF Officers’ Association has been forced to approach judicial forums seeking redress for issues listed at C, D & E. We request your kind intervention and quick administrative decision in the matters as listed above.

- G. **Classification of Posts in EPFO** have been made as Group A, B & C (earlier Class I, II, III & IV) since 1962. This has been removed in new HR Regulations approved by Central Board in its meeting held on 10-02-2024. This removal has been made on erroneous advice of DoP&T that this classification cannot be used by EPFO. We've had the occasion to review the file notings of DoP&T based on which this advice was given. Following is noteworthy:
- a. The notings state that since such a classification does not exist in the EPF& MP Act 1952 (act), hence it cannot be used. In fact, such a classification exists in the Act of 1952 as well as in the Code on Social Security 2020.
 - b. The service rules have accordingly been framed by Central Board in EPFO by the Central Board.
 - c. The Act provisions state that the MoL&E could not have made a reference to DoP&T on the issue unless the Central Board made such a reference.
 - d. Central Board can make a reference on service matters only if there is any deviation from corresponding rules and orders obtaining in Central Government.
 - e. For service rules in accordance with Central Government rules, Central Board is fully empowered. This fact has been judicially affirmed also in an earlier round of litigation, a decade ago.
 - f. **We've been constrained to again approach the judiciary for redress. Government of India's litigation policy seeks active discouragement of litigation. Such decisions, however, go against the letter and spirit of Government policy. We seek your kind intervention for necessary remedial action.**
- H. **Recruitment Rules for Commissioners' cadre are not in accordance with those approved by CBT, EPF in 2017**; neither are they in accordance with extant RRs of central services. EPFOA has submitted a draft composite RR for Commissioners' cadre in 2021. It is requested that these may be notified urgently.
- I. **Enhancing strength of Group-A Commissioners' cadre** - The approved recommendations of second Administrative Reforms Commission state that organisations should become officer centric. Niti Aayog in its report on Strategy for New India @ 75 (2018) has endorsed this recommendation. As is evident from report of Seventh CPC, Group A constitutes 15%-20% of the total cadre strength in large number of Ministries, including in MoLE. The corresponding ratio in EPFO is a meagre 6%. It is requested that the ratio may be enhanced to minimum of 10%. This resultant Group A posts as per current total sanction would be about 2470. Leaving aside about 450 Group A posts for other than Commissioners' cadre, there should be minimum of 2000 officers in Commissioners' cadre EPFO. This may be further sub-divided into JTS (30%), STS (40%- including leave, training, deputation reserve), JAG/NFSG (22%), SAG (8%). This enhancement would provide requisite number of officers for manning functions, present and anticipated. The resultant promotions down the grade would also address the perceived grievance of lack of promotional opportunities for subordinated grades.
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