



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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PRESIDENT

Sh. Navendu Rai
Regional PF Commissioner-I

WORKING PRESIDENT

Dr. K. P. Singh
Regional PF Commissioner –I

SECRETARY GENERAL

Sh. Saurabh Swami
Regional PF Commissioner -I

JOINT SECRETARY
GENERAL

Sh. Hansraj Roy
Regional PF
Commissioner -II

MEMBER,CENTRAL
EXECUTIVE

Sh. Pawan
Regional PF
Commissioner -II

Sh. Avinash Sinha
Assistant PF Commissioner

TREASURER

Smt. RituKanojia
Assistant PF
Commissioner

March 18th, 2024

To,

**Hon'ble Chairman, CBT, EPF /
Hon'ble Union Minister for Labour & Employment,
Government of India,
NEW DELHI 110001**

**Subject: Factually erroneous record in draft minutes of
235th meeting of CBT held on 10.02.2024 –
request for immediate revision of draft minutes
& fresh discussion in CBT on new regulations
duly considering the facts in the matter -
regarding**

Respected Sir,

It is submitted that EPFO Head Office has circulated draft minutes of the 235th meeting of CBT held on 10.02.2024 at New Delhi to all Hon'ble Members of CBT, EPF vide HO letter no. Conf./1(1)/2024/235thCBT/39 dated 14.03.2024, with request to forward their comments. The said draft minutes have some important factual errors in **Tabled item no. 17: Amendment of Employees' Provident Fund (Officers and Employees' Conditions of Services) Regulations, 2008.**

2. The major errors are listed below for kind consideration:

A. DOPT Approval

In para number 79 of the draft minutes, it has been stated that *the DOPT has approved the matter*. Sir, the file notings

of DOPT in this regard (DOPT File No. Misc-14017/34/2022-Estt. (RR) dated 05.10.2023) were obtained through the RTI Act. It is seen that the DOPT has erroneously recorded in its files that “*Since no classification is mentioned and only scale of pay is equivalent to Group A/B posts of Central Government*” the classification “Group A / B” cannot be used in EPFO. That this is completely at variance with facts on record would be clear from a perusal of relevant portion of Section 5-D (4) of EPF & MP Act 1952:

5-D (4). No appointment to the post of the Central Provident Fund Commissioner or an Additional Central Provident Fund Commissioner or a Financial Adviser and Chief Accounts Officer or any other post under the Central Board carrying a scale of pay equivalent to the scale of pay of any Group 'A' or Group 'B' post under the Central Government] shall be made except after consultation with the Union Public Service Commission:

Provided that no such consultation shall be necessary in regard to any such appointment—

(a) for a period not exceeding one year; or

(b) if the person to be appointed is at the time of his appointment -

(i) a member of the Indian Administrative Service, or

*(ii) in the service of the Central Government or a State Government or the **Central Board in a Group 'A' or Group 'B' post.***

Thus, the classification of the officers of Central Board, EPF into Group A & B is an essential part of the EPF & MP Act 1952. Furthermore, same classification is also mentioned in Section 14(5) of the Code on Social Security, 2020. Rules and orders governing such officers and employees have to accordingly mirror those applicable to central government employees drawing corresponding scales of pay. The classification of posts in EPFO has been specified accordingly since 1962. It is indeed astonishing that DOPT has not read the EPF & MP Act correctly. The subsequent advice of DoPT regarding classification of posts in EPFO is thus defective and borne of wrong reading of the statute.

B. Non-existence of updated regulations and revised RRs since last 60 years

Sir, in para no.79 of the draft minutes it has been stated as below,

It was astonishing to know how an institution was working without updated regulations and without revised RRs since last 60 years.

It seems that you have been briefed incorrectly in this matter. EPFO has consistently and regularly been issuing/modifying the relevant rules, as would be evident from following:

- (1) Employees' Provident Fund (Staff & Conditions of Service) Regulations, 1962 (As amended upto April, 1972)
- (2) Employees' Provident Fund (Officers & Employees' Conditions of Service) Regulations, 2008.
- (3) The EPF Staff (Classification, Control & Appeal) Rules, 1971
- (4) Recruitment Rules for various posts of EPFO officers have been amended from time to time as needed, latest being in the year 2018.

Therefore, it would indeed be factually incorrect to state that EPFO has had no rules for the past 60 years of its existence.

C. Consultation with Officers' Association and Staff Union

Lastly, in para no. 81 of the draft minutes it has been mentioned that consultations were done with the Officers' Association and the Staff Union by the Committee which formulated the new regulations. Sir, as office bearers of the EPF Officers' Association we can confirm that **no consultation whatsoever** were done with the Officer's Association and as far as we are aware no consultations were done with any Staff Union by the Committee or any other official authority in this matter even though we had requested for the same. In fact, the Officers' Association has written 2 letters requesting an appointment with the Committee constituted to recommend amendments to the EPF (Officers & Employees Conditions of Service) Regulations vide letters dated 08.06.2023 & 12.01.2024 (copies attached for kind reference). Unfortunately, our requests fell on deaf years.

3. Sir, as per above it is clear that there are three major factual errors in the draft minutes regarding the issue of new regulations and it is apparent that the

briefings in the matter to you have been erroneous and misinformed. This has unfortunately led to the record of minutes of the 235th meeting of CBT, which record the said misstatements under your name. The resultant approval by CBT, based on your statements suffers from a serious defect and would accordingly need to be withdrawn. We request accordingly.

Thanking you.

Yours sincerely,



[Saurabh Swami]
Secretary General

Copy to:

1. Hon'ble Vice-Chairman, CBT, EPF/ Secretary,
Ministry of Labour and Employment, Govt. of India
2. Central PF Commissioner, EPFO
3. All Hon'ble Members, CBT, EPF
4. Secretary General, All India EPF Staff Federation
5. Secretary General, All India EPF Employees' Sangh
6. Secretary General, All India EPF SC/ST
Staff Federation
7. General Secretary, All India EPF Differently Abled
Employees Association

for kind information and necessary action.



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Commissioner

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Smt. Ritu Kanojia
Assistant PF
Commissioner

January 12th, 2024

To,

**Ms. Neelam Shami Rao, IAS,
Central Provident Fund Commissioner
Employees' Provident Fund Organization
New Delhi – 110 066**

Subject:-

Unfortunate situation of decisions being taken without even basic consultation with stake holders – finalisation of the report of Committee constituted to recommend amendments to the EPF (Officers & Employees Conditions of Service) Regulations, 2008

Ma'am,

Your kind attention is invited towards EPF Officers Association (EPFOA) letter dated 08.06.2023 vide which it was requested to kindly provide for an appointment before the Committee constituted by EC in its 105th meeting held on 10th March, 2023 for recommending amendments in the Employees' Provident Fund (Officers and Employees Conditions of Service) Regulations, 2008.

Now, it has been learnt that the said Committee has been directed to submit its report urgently without any consultation with any of the stakeholders. The said Committee has not met any representatives of either the officers association or the staff federation or the SC/ST federation or the EPF Employees Sangh or any other representative body. This is a unique situation for a tri-partite oriented organisation of the Labour Ministry wherein those directly affected by the decisions are not even being heard

once. It may kindly be noted that the issue here is that of at least being heard! Final decision in the matter is of course to be taken by EC and subsequently by the CBT, as per the approved minutes of the 105th EC Meeting.

It is once again submitted that the decision makers should consider all proposals and hear all suggestions so as to reach optimal decision. Therefore, an urgent meeting may kindly be granted to the EPFOA before the said Committee before any finalisation of the report.

Thanking you.

Yours sincerely,

A. Swami

[Saurabh Swami]
Secretary-General

Copy to:

1. Hon'ble Chairman, CBT, EPF/ Hon'ble Union Minister for Labour and Employment, Govt. of India
2. Hon'ble Vice-Chairman, CBT, EPF/ Secretary, Minister for Labour and Employment, Govt. of India
3. All Hon'ble Members, CBT, EPF
4. Additional Central P.F. Commissioner (HQ) HR
5. Additional Central P.F. Commissioner (HR)
6. Secretary General, All India EPF Staff Federation
7. Secretary General, All India EPF Employees' Sangh
8. Secretary General, All India EPF SC/ST Staff Federation

For kind information and
necessary action



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Assistant PF
Commissioner

TREASURER

Smt. Ritu Kanojia
Assistant PF
Commissioner

June 8th, 2023

To,

**Ms. Neelam Shami Rao, IAS,
Central Provident Fund Commissioner
Employees' Provident Fund Organization
New Delhi – 110 066**

**Subject: Constitution of Committee – to carry out
comprehensive review of Employees' Provident Fund
(Officers and Employees' Conditions of Services)
Regulations, 2008 - Request for appointment –
Regarding**

Ref: No. HRD/14/2023/Amendment-EPF-Regulations/801
dated 24.03.2023

Ma'am,

The EPF Officers' Association (EPFOA) on behalf of EPF Officers welcomes the constitution of a Committee for recommending amendments in Employees' Provident Fund (Officers and Employees' Conditions of Services) Regulations, 2008 as these are very important organizational matters requiring special attention.

As EPFOA is the service association of all Commissioner-Cadre of EPFOs, it is requested to kindly grant an appointment to us at your earliest convenience, so as to present important service related matters and to

ensure conformity with Central Government Rules before the Committee for kind consideration.

Yours sincerely,

S. Swami

**[Saurabh Swami]
Secretary General**

Copy to:

1. Hon'ble Chairman, CBT, EPF/ Hon'ble Union Minister for Labour and Employment, Govt. of India
2. Hon'ble Vice-Chairman, CBT, EPF/ Secretary, Minister for Labour and Employment, Govt. of India
3. Additional Central P.F. Commissioner (HQ) HR
4. Additional Central P.F. Commissioner (HR)

For kind information and necessary action

76. CPFC introduced and explained the agenda.

77. It was informed that the draft Regulations were sent to the DoLA after taking inputs of DOPT. DOLA has communicated that the Regulations are in order. The proposal is placed before the Board for approval of new staff regulations for EPFO.

78. Sh. Harbhajan Singh Sidhu remarked that despite Hon'ble Chairman, CBT, EPF and Secretary's (L&E) directions in writing that agendas should be circulated in time for discussion, this agenda is received just now. For any valuable contribution of the members of CBT, it is requested that the proposal to be placed in the next meeting so that members can go through the agenda and give their comments on the new amendment proposed.

79. Chairman said that this matter was approved by DoPT and Ministry of Law and Justice. It was astonishing to know how an institution was working without updated regulations and without revised RRs since last 60 years. The Regulations are in line with EPF Act and extant GOI guidelines.

80. Sh. Sunkari Malleshram added that consultation could have been done with Officer's Association and Staff Unions.

81. Chairman remarked that consultations were done with them by the Committee and CPFC and Ministry has also examined this. Formulation of Regulation is an important activity for better cadre management. Only then, norms can be made, else service conditions cannot be improved. All the grievances related to HR were because there is no benchmark. Hence, this agenda be approved.

82. Secretary pointed out that the wording of proposal is misleading. It is not an amendment to existing Regulations, but the proposal is for approval of new Regulations as also mentioned in the first para of the Regulations tabled before the CBT.

83. With these comments the agenda item was approved.

Note # 100

Reference Note #146 to 149

This is regarding a proposal vide Note #146 received from Ministry of Labour & Employment (MOLE) regarding the classification of posts in the Employees

Provident Fund Organisation (EPFO). Here is a concise summary of the matter and my recommendations on the same:

Summary:

- EPFO seeks classification of posts as Group A/B/C in the Schedule appended to Recruitment Rules (RRs) for various posts.
- DoP&T has earlier, vide its reply letter dated 13.09.2022 (attached herewith), clarified that it does not oversee EPFO RR's, as they are framed under the Employees' Provident Funds & Miscellaneous Provisions Act 1952. 4
- EPFO's existing classification has been consistent since 1962, aligning with Central Government pay scales.
- As per EPFO, this type of classification attracts talent, boosts morale, and ensures uniform application of Central Government guidelines.

Recommendations:

1. **Concurrence with Classification:** Given the historical alignment and the need for consistency, it is recommended that DoP&T concurs with MOLE's request to classify EPFO posts as Group A/B/C/D. Classification as "Group A/B/C/D" is nowhere reserved for DoP&T only and many other autonomous/statutory bodies like *Central Vigilance Commission, Central Administrative Tribunal, Kendriya Vidyalaya Sangathan, Navodaya Vidyalaya Samiti etc.* are already using the same terminology for its own employees. Therefore, DoP&T should have no objection on using of the same terminology by EPFO also.
2. **Clarification on Benefits:** To avoid potential confusion regarding deputation eligibility and benefits, it is advised that the concurrence includes a rider specifying that the EPFO classification does not automatically grant EPFO employees all benefits and eligibility available to GCS Group A/B/C/D employees. Any such proposal should be examined separately and purely on its merits.
3. **Nomenclature Amendment:** Further it has been noted that EPFO, vide a 4th June 2010 notification, erroneously notified description of its own posts as CENTRAL CIVIL POSTS. Its legally untenable that EPFO while drafting its own rules of classification under its special Act power can't use an identical nomenclature reserved for the posts under the jurisdiction of DoP&T, which has led to certain confusions. It is recommended to amend the nomenclature to something distinct, such as "EPFO CIVIL POST," to prevent future such confusion in relevant matters.

In conclusion, while concurring with the proposed alignment of EPFO's post classification as Group A/B/C/D in sync with Central Government pay scales and practices, the DoP&T clarification should aim to ensure clarity, consistency, and the prevention of potential future misunderstandings.

12/09/2023 12:03 PM

Vijay Wardhan
ASSISTANT SECRETARY**Note # 101**

Ref proposal received from Ministry of Labour and Employment(p-396 to 400/c). This is regarding the request of EPFO received through Ministry of Labour and Employment for re-examine and further clarify whether posts in EPFO can be classified as Group A/B/C in column 3 of the Schedule to the Recruitment Rules for various posts in EPFO in accordance with the rules and orders applicable to the officers and employees of the Central Government drawing corresponding scales of pay.

2. Background:

2.1 Initially, UPSC requested comments of DoPT vide their letter dated 23.12.2020, to clarify as to **what classification may be indicated for the posts in EPFO and similar such posts and whether entry in column No.3 of the schedule can be made as "Not Applicable" in such.** This was examined and vide letter dated 16.11.2021(p-64/c), this Department has, inter-alia, conveyed to UPSC that the RRs of EPFO are to be made in exercise of powers conferred under their ACT and DoPT's instructions are not suo-motu applicable on them.

5

2.2 With respect to the specific query of UPSC that whether entry in column 3 can be made as "Not Applicable", this Division after examination of the same in consultation with MoLE and other divisions in EPFO, conveyed to UPSC that the entry may be made as "Not Applicable".

2.3 Since, in our letter dated 16.11.2021(p-64/c), we have also quoted non-applicability of CCS(CCA) Rules, MoLE referred their proposal again by stating that CCS(CCA) rules have been adopted by them vide Regulation 16 of the EPF Regulation, 2008 which deals with "Classification, Control and Appeal". Again the same was examined vide Note 54 to 58 and with the approval of Secretary(P)(Note # 58), inter-alia, it has been conveyed that classification of the posts mentioned under CCS(CCA) rules, 1965 are only applicable civil posts under Union and not apply to other posts to whom these posts do not apply and hence not applicable to EPFO, vide ID Note dated 13.09.2022 .

2.4 In addition, MoLE justified their proposal by stating that non-inclusion of such a classification will give rise to legal issues regarding reservation/ promotion and all benefits which are directly linked to the Classification of the post as given in the RRs for the said post. It has also been mentioned in their note that this will also affect reservation in promotion for SC/ST from Group C to B and Group B to A in the absence of Classification of posts, as the same is done on account of promotion from one class of group to another. Estt(Reservation) when consulted has not given any specific comment on this aspect. **Hence, on this issue, no comment has been furnished.**

3. The proposal has been resubmitted for consideration mainly on the following grounds:

3.1 Though, classification of posts under Rule 6 of the CCS(CCA) Rules 1965 is not applicable to the officers and employees of EPFO, yet posts carrying a scale of pay equivalent to scale of pay of Gp A, Gp B and Gp C under the Central Government have been classified by the EPFO since 1962 and the same has been reflected in RRs of EPFO as they have similarity to Gp A/B/C posts of Central Government.

3.2 EPFO has also informed that classification of posts in EPFO, especially Group-A and Group-B is a major attraction for the new talent, as well as a morale booster for the existing employees of EPFO. Further, classification of posts will facilitate in filling up of the ex cadre posts on deputation basis. Classification of posts also enables application of certain guidelines/instructions of Government like reservation, relaxation etc. Further, appointment to CPFC, Addl CPFC, FA&CAO or any other post under the Central Board carrying a scale of pay equivalent to the scale of pay of any Gp A or B posts are made in consultation with UPSC.

Direct Recruitment to the post of Assistant PF Commissioner (APFC) and Enforcement Officer/Accounts Officer (EO/AO) is made on the basis of examination conducted by UPSC on All India basis. The vacancies for these posts are advertised as Group A and Group B respectively by UPSC, as per the EPF Staff (CCA) Rules.

4.1 It may be seen from Para 3 above, no new facts have been stated. In this regard, the note of Assistant Secretary, may be seen at Note # 100 above. With respect to recommendation 1, it is stated the issue of classification of Central Vigilance Commission, Central Administrative Tribunal have been examined in separate file and it is understood that their salaries are paid from Consolidated Fund of India. Regarding usage of Group-A/B/C/D by autonomous bodies, it is stated that we have not issued any guidelines for such autonomous bodies, and hence they might be using this on their own whose correctness we have not examined so far.

4.2. However, the present case was examined by this Department with respect to the observations of UPSC, as indicated in para 2.1 above. Since no classification is mentioned in the Act and only scale of pay is equivalent to Group A/B posts of Central Government, **it is proposed to reiterate our comments conveyed to UPSC that in Column 3, the classification, may be written as 'Not Applicable' and request MoLE to take appropriate action in consultation with UPSC. If they are still of the opinion that a reasonable classification within the organisation is essential, they may formulate any other nomenclature for EPFO except Group-A/B/C, in consultation with UPSC.** This will also avoid any confusion that may arise in future vis-a-vis GCS officers and employees in Government of India, as has been pointed out in Recommendation 2.

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5. Regarding recommendation 3 of Note# 100, it is proposed to convey to MoLE that they may take action for rectification of their Notification dated 4th June 2010(attached under references-5) wherein description of its own posts have been mentioned as Central Civil Posts in the Table under Para 2 - column 2- Description of Posts as they do not fall under the said category.

6. Para 4.2 and 5 above is submitted for consideration and approval of Secretary(P).

15/09/2023 11:57 AM

**J SRIRAM MURTY
DEPUTY SECRETARY**

Note # 102

22/09/2023 05:59 PM

Manoj Kumar Dwivedi
ADDITIONAL SECRETARY

Note # 103

25/09/2023 06:49 PM

S Radha Chauhan
Secretary

Note # 104

26/09/2023 01:57 PM

Manoj Kumar Dwivedi
ADDITIONAL SECRETARY

Note # 105

26/09/2023 02:10 PM

J SRIRAM MURTY
DEPUTY SECRETARY

Note # 106

DFA please.

26/09/2023 04:57 PM

Rajesh Kumar
UNDER SECRETARY

Note # 107

Draft prepared for approval.

29/09/2023 04:24 PM

Aparna Si 7
ASSISTANT SECTION OFFICER

Note # 108

DFA is for approval please.

04/10/2023 05:07 PM

Rajesh Kumar
UNDER SECRETARY

Note # 109