

Annex-14

No. A-32022/10.2014-SS-I  
Government of India  
Ministry of Labour & Employment  
Shram Shakti Bhawan, Rafi Marg, New Delhi,

Dated the 27<sup>th</sup> December, 2016

To

The Central Provident Fund Commissioner  
Employees' Provident Fund Organisation,  
Bhavishya Nidhi Bhawan,  
Bhikaji Cama Place,  
New Delhi

Subject: - Organizational and Cadre Restructuring in EPFO- approval reg.

Sir,

I am directed to refer to the Employees' Provident Fund Organization's letters No.HRD/61/2015/VOL.II/9972 dated 8.07.2016, No.HRD/61/2015/693 dated 21.07.2016, No. HRD/61/2015/Vol.I/807 dated 08.08.2016, No.HRD/61/2015/1254 dated 31.10.2016 and No.HRD/61/2015/1254 dated 6.12.2016 and to say that the Ministry after due examination of the proposal and with the concurrence of the Department of Expenditure (copy enclosed) hereby conveys the approval of the Ministry to the proposal of Organizational and Cadre Restructuring in EPFO as recommended & approved by the Central Board of EPF in its 210<sup>th</sup>, 212<sup>th</sup> & 213<sup>th</sup> meeting held on 09.12.2015, 29.3.2016 and 08.07.2016 on the basis of report of Sub-Committee and Anomaly Redressal cum Implementation Committee with certain modifications.

2. The proposal of Organizational and Cadre Restructuring in EPFO as approved by the Central Board of EPF shall be subject to the following amendments in the proposal:

- The designation of Regional Provident Fund Commissioner is replaced by Regional Provident Fund Commissioner-I Existing designation of Regional Provident Fund Commissioner-I and Regional Provident Fund Commissioner-II will continue to be used.
- The designation of Deputy Provident Fund Commissioner be replaced by Regional Provident Fund Commissioner-II. Deputy Provident Fund Commissioner as proposed by Central Board shall be replaced by Regional Provident Fund Commissioner-II in the organization.
- The revised sanctioned strength of total posts of Regional Provident Fund Commissioner-II shall be 299.
- The revised sanctioned strength of Assistant Provident Fund Commissioner shall be 452.

3. As regards the post of Additional Central Provident Fund Commissioner in the Grade pay of Rs. 10000/-, the total number of 13 posts (4 existing + 9 newly created) also includes posts to be filled on deputation basis which will be 4 in number.

Received on  
27/12/2016  
27/12

per your file

RECEIVED  
27/12/2016

RECEIVED  
27/12/2016

अ.के.प.नि. आयुक्त (ग.स.प्र.)  
49839  
29/12/2016  
संयुक्त प्रमुख, ए.पी.ओ. (नियंत्रण)  
राष्ट्रीय प्र. नि. समिति (नियंत्रण)

9391  
30/12/16  
30.12.2016  
अ.के.प.नि.

- 64 -

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4. The expenditure to the proposed Organizational and Cadre Restructuring in EPFO shall be met entirely from the internal budgetary resources of the Employees' Provident Fund Organization.

5. The proposal of Organizational and Cadre Restructuring in EPFO has the approval of the Hon'ble Minister for Labour and Employment.

6. This issues vide Finance II Dy.No.70507 dated 22-12-2016.

Yours faithfully,



27-12-2016

(Navil Kapur)

Under Secretary to the Government of India  
Telephone:23766938

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# Annex-15

I.No.A-26022/1/2017-SS-1  
Government of India  
Ministry of Labour & Employment

New Delhi, dated the 7<sup>th</sup> August, 2017

To,

The Central Provident Fund Commissioner,  
Bhavishya Nidhi Bhawan,  
14, Bhikaji Cama Place,  
New Delhi-110 066.

Sub-Grant of NFSG in the Grade Pay of Rs.8700 - in EPFO-regarding.

Sir,

With reference to subject cited above, kindly recall the meeting held in the Parliament in the Chamber of Hon'ble Minister on 2.8.2017 wherein the matter regarding grant of NFSG post Cadre Restructuring was discussed.

2. It was decided to delink the cases of NFSG granted prior to Cadre Restructuring from the cases due after the cadre restructuring on 27.12.2016 due to audit objection. The cases of NFSG may kindly be processed accordingly as per sanctioned strength in cadre restructuring dated 27.12.2016.

Yours faithfully,

  
(Vinod Kumar)  
Director(SS)

Copy for information to PS to MOS(IC).



# Annex-16

## 5. Organisational Setup

The following officials have held the charge of the respective posts indicated below for the period mentioned against each since the date of last audit.

Sl. No.	Name of Post	Name of the Officer S/Shri	Period
1.	Head of the Organisation	Dr. V.P. Joy, CPFC	29.02.2016 to till date
2.	Head of the Administration	Shri M.S. Kalia, ACC	03.11.2015 to till date
3.	Head of Accounts/DDO	Smt. Geeta Banerjee, APFC	30.11.2015 to till date
4.	Cashier	Shri Dharamvir Singh, SO	02.07.2012 till date

## 6. Audit Sampling

Audit sampling was adopted on the basis of selection of vouchers for the month of March 2017. The audit has been conducted on the basis of information furnished and records made available by the EPFO, Hqrs in accordance with the Central Government Rules and Auditing Standards of CAG.

## 7. Internal Audit/Inadequate Internal Control System

An effective internal audit system helps the organization to detect the deficiencies in its functioning and also assures it of compliance with various policies, rules and regulations.

EPFO is an autonomous organization, the Ministry of Labour & Employment has no mandate to conduct Internal Audit of the EPFO. EPFO has its own Internal Audit Unit.

The last internal audit of EPFO Headquarters for the period 2013-15 was conducted during 2016-17. As on date there are 94 internal audit paras pending against the Headquarters.

## Part-II- Audit Findings

### Part-II-A

#### Para 1 : Irregular Grant of "Non Functional Selection Grade"

EPFO Board had recommended in the 31<sup>st</sup> Meeting held on 31.08.1999 to give Non functional selection grade (NFSG) to Employees Provident Fund Officers (EPFO) after ensuring that there are no functional posts in NFSG grade of Group A officers by upgrading the functional posts in the pay scale of 14300-18300 to 16400-20000. Thus NFSG was conditional on scale of pay being enhanced to 16400-20000. In 1999 the Board only had powers to create posts upto 14300-18300. Further in 2000 the Government of India Ministry of Labour and Employment (Ministry) rejected the recommendations of enhancing pay scale to 16400-20000 as being in violation of para 22 A of EPF scheme 1952. With this



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rejection the NFSG also got rejected as DOPT prescribed that non functional posts cannot co-exist with functional posts.

In the EPFO the various posts of Group A Non Ministerial cadre as on 31.3.2014 are operational (Annex V).

Further after a gap of five years the EPFO vide its letter dated 1.1.2004 requested Ministry to approve grant of NFSG of Rs 14300-18300 in the cadre of Commissioner in EPFO. Subsequently, Ministry vide its letter dated 30.1.2006 conveyed its approval to the grant of NFSG in Commissioner's cadre in EPFO. Further 29 posts were to be operated in the NFSG of Rs. 14300-18300 with immediate effect. Subsequent to the approval of the Ministry, EPFO granted NFSG in the pay scale of Rs. 14300-18300 to 25 RPFC Gr. I Officers.

On 11.1.2007 the Ministry turned down the proposal of EPFO regarding grant of NFSG in EPFO w.e.f 13.8.1999. EPFO vide its letter dated 7.3.2007, 27.6.2007 and 18.9.2007 requested for grant of NFSG w.e.f 13.8.1999. The Ministry vide its letter dated 24.11.2009 again rejected the proposal of EPFO. Further EPFO granted NFSG in PB4 (Rs. 37400-67000+Rs 8700 GP) to another 23 officers vide its order dated 8.10.2010.

Subsequently the Ministry vide its letter dated 29.8.2011 acceded to the request of EPFO to implement the grant of NFSG w.e.f 13.8.1999 i.e the date of approval by the Executive Committee, CBT, EPFO. In pursuance of Ministry's decision EPFO vide its letter dated 2.1.2012 and 23.8.2013 granted NFSG to 127 and 19 officers.

Audit contention is that the grant of NFSG in EPFO is irregular in view of the fact that Central Civil services Group A where the scale of Rs14300-18300 exists as a part of the cadre structure on functional basis will not be eligible to have non functional selection grade unless the cadre controlling authority decides to do away with the functional selection grade. In EPFO five functional posts of FA & CAO, ADDL CPFC II, Chief Vigilance Officer, Director (Vigilance) exist which have a total sanctioned strength of nine.

Secondly the pay commission had also stipulated that the officers to be placed in the selection grade should have reached the maximum of the Junior Administrative Grade and have remained there for two years. In EPFO the eligibility to NFSG is being granted to RPFC (Gr. I) in the corresponding JAG pay scale of Rs.15600-39100+G.P. of 7600 irrespective of their period of service in RPFC Gr.I. Out of 22 officers who had been granted NFSG during the period 13.8.1999 to 1.8.2013 it was noticed that six officers were granted NFSG w.e.f. the date of promotion as RPFC I. In respect of 11 officers, NFSG was granted between periods ranging from 2.5 months to nearly 3 years after their promotion to the post of RPFC I.



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EPFO stated that NFSG was given after orders of the Honorable CAT, Chandigarh bench on 25.02.2011 and same was reiterated by the Divisional Bench in High Court of Punjab and Haryana. But the judgment says that if Board has taken a decision in accordance with the rules (para 7(a) and 7(b) of the Employees Provident Fund and Miscellaneous Provisions, Act 1952) and orders applicable to the officers and employees of the Central Government only then Government cannot interfere in it. The decision of the Central Board to grant NFSG to the officers of EPFO without doing away with the Functional Selection Grade is contrary to the instructions of DOPT and also not in accordance with the judgment of the Punjab and Haryana High Court.

Due to irregular grant of NFSG to 22 officers (Annex IV) at EPFO headquarters an amount of Rs.1.31 crore was paid from the date of grant of NFSG till December 2014/date of retirement/date of promotion to the post of ACC in excess of the admissible pay and allowances. The information relating to field offices has been called for and is awaited. EPFO may issue instructions to their branch offices to review similar cases and point out the excess payment.

The above irregularity was brought to the notice of the authorities of EPFO vide inspection report of 2013-14 but no action has been taken by the organization in view of the para. In this connection a Statement of Facts titled Irregular Grant of "Non Functional Selection Grade" in EPFO was issued on 16th May 2017. During current audit memo no.43 dated 21.2.2018 and 46 dated 21.2.2018 requisitioning related files, records and reply of the above SOF were issued. Reminder III dated 24.2.2018 and Reminder IV dated 26.2.2018 were also issued to follow up the memos but no reply was received till the close of audit.

Further audit memo no. 48 dated 22.2.2018 was issued but the organization did not furnish reply to the following points:

- (i) Action taken by the authority in respect of the recovery of payment in excess of pay and allowances due to irregular grant of NFSG from the concerned officials.
- (ii) Details of officers who had been granted NFSG during the period 13.8.1999 till date along with the details of amount paid.

The Central Board of EPFO vide office order no. HRM-I/D-1(1)2017/CR/26417 dated 13.01.2017 has been granted the powers to create posts up to the level of Joint Secretary of Government of India, clearing the way for further grant of NFSG in EPFO.

In this regard half margin No. 9 was issued on 27.2.2018 but no reply was received till the close of audit.



-431/N-

Department of Personnel & Training  
Establishment (D)

Dy. No.1334951/2018

F. no.A-12018/2/2018-SS-I of Ministry of Labour &amp; Employment

Reference preceding notes.

2. Ministry of Labour & Employment vide ID note dated 28.09.2018 has sought the advice of this Department regarding grant of NFSG to the Regional Provident Fund Commissioner Grade I in the Commissioner Cadre in the EPFO at par with the organized Group 'A' Central Service.

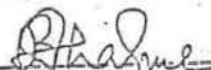
3. The same matter was also referred earlier by the administrative Ministry vide ID note dated 17.2.2018 [P.10/N]. The same was examined and with the approval of the Competent Authority the following was conveyed:

*the instructions issued vide OM dated 6.6.2000 are applicable on organized Group 'A' Central Services. Further, the administrative Ministry in paragraph 2 of the note dated 30.1.2018 [P.8/N] has stated that the Central Board, Employees Provident Fund (EPF) is an autonomous organization set up under Section 5A of the Employees Provident Funds and Miscellaneous Provisions Act, 1952. The instructions issued by this Department not suo moto applicable on autonomous bodies.*

4. In view of above, in the present proposal this Division has proposed that it has no comments to offer in the matter and the comments provided earlier vide ID note dated 21.02.2018 [P.11-12/N] may be reiterated. However, CRD Division may also be consulted in the matter as the instructions on the subject have been issued by it.

5. The CRD Division advice may be seen at P.39-42/N.

6. It is proposed that the comments as mentioned in paragraph 6 at P.42/N may be conveyed to the administrative Ministry.



(Rajesh Sharma)

November 27, 2018

Joint Secretary (GJ)

G Jayanthi

27/11

JS/JS

Please prepare a self contained note  
stating the non applicability of OM of 2000  
on the employees of autonomous organizations.  
2) The statutory provision of PF Act  
3) decision arrived at by CRD in para 6

(187)



CENTRAL ADMINISTRATIVE TRIBUNAL  
CHANDIGARH BENCH

...  
ORIGINAL APPLICATION NO.060/00126/2019

Chandigarh, this the 8<sup>th</sup> day of February, 2019

...  
CORAM:HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J) &  
HON'BLE MS. P. GOPINATH, MEMBER (A)

...

1. Rakesh Kumar s/o Sh. R.S. Panwar aged about 43 years, R/o 341, Sector 30-A, Chandigarh - 160020.
2. Sunil Kumar Yadav s/o Sh. L.R. Yadav, aged about 47 years, R/o Flat No. 504, Block - C, Jalandhar Heights, Jalandhar - 144001.
3. Amit Singla s/o Sh. Ram Dass aged about 39 years, R/o 614/17, Panchkula - 134109.
4. Sudarshan Kumar S/o Sh. Basuki Singh aged about 45 years, Regional Commissioner-I, Bhavishya Nidhi Bhawan, Block No. 34, SDA Complex, Kaumpti, Shimla - 171009.
5. Vishwajeet Sagar, S/o Sh. S.L. Sagar, aged about 43 years, R/o 344, Sector 30-A, Chandigarh - 160020.
6. Dheeraj Gupta s/o Rajendra Prasad Gupta, aged about 44 years, R/o 1031, Sector 21-B, Chandigarh - 160020.

Applicants

(Present: Mr. Kamal Sehgal, Advocate)

Versus

1. Union of India through the Secretary, Ministry of Labour, Government of India, Shram Shakti Bhawan, Rafi Marg, New Delhi -110011.
2. Central Provident Fund Commissioner, Bhavishya Nidhi Bhawan, 14, Bhikaji Cama Palace, New Delhi-1100066
3. Central Board of Trustee, through its Chairman, Bhavishya Nidhi Bhawan, 14, Bhikaji Cama Palace, New Delhi - 110066.

..... Respondents



(Present: Mr. Sanjay Goyal, Advocate)

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J)

1. MA No. 060/00259/2019 is allowed and the applicants are allowed to join together to file this application.

2. The present O.A. has been filed by the applicants, who are Grade-I officers, working in the Employee Provident Fund Organization, seeking issuance of a direction to Respondents No. 2 and 3 to grant them the Non Functional Selection Grade (for brevity NFSG) in the scale of Rs.37400-67000 with grade pay of Rs.8700/-, after implementation of 6<sup>th</sup> CPC recommendations, from the date of their eligibility, with all the consequential benefits. It is further prayed that the respondents be directed to implement the order dated 30.01.2006 (Annexure A-6) whereby approval was granted for the grant of NFSG in the Commissioner's Cadre of Employees Provident Fund Organization.

2. Learned counsel submitted that his claim is based upon the order passed in the case of A.K. Chandok Vs. Union of India & Others (O.A. No. 400/HR/2010 decided on 25.02.2011), as upheld by the Jurisdictional High Court by dismissing the CWP NO.8438 of 2011 on 12.05.2011, filed by the respondents. He submitted that before approaching this Court, the applicants

served representations dated 20.12.2017 and 23.12.2017 (Annexure A-12 colly) for grant of relevant benefits on the basis of judicial pronouncements in their favour, and the respondents have issued a letter dated 18.06.2018 stating therein that the matter is under active consideration. The contention of the learned counsel is that despite the judicial pronouncement in favour of the applicants, the respondents cannot possibly deny the benefit of the judgment to the applicants, who are similarly situated to the applicant in the case of A.K. Chandok (supra). Learned counsel prayed that since the representations filed by the applicants are pending consideration at the hands of the respondents and have not been answered till date, the applicants would be satisfied if a direction is issued to the respondents to consider and decide the claim of the applicants in the light of order passed by this Court in the case of A.K. Chandok (supra).

3. Issue notice to the respondents.
4. At this stage, Mr. Sanjay Goyal, Sr. SCCG, appeared and accepted notice on their behalf. He did not object to the disposal of the O.A. in the above manner.
5. In the wake of above, the O.A. is disposed of, in limine, with a direction to the respondents to consider and decide the



indicated representations of the applicants while taking into consideration the ratio laid down in the case of A.K. Chandok (supra), which has been affirmed by the Jurisdictional High Court also. The needful be done within a period of two months. If upon such consideration, the applicants are found similarly situated like the applicant in the relied upon case, the relevant benefits be granted to them, otherwise a reasoned and speaking order be passed thereon, with a copy to the applicants.

6. Needless to mention that the disposal of the O.A. shall not be construed as an expression of any opinion on the merits of the case. No costs.

(P. GOPINATH)  
MEMBER (A)

(SANJEEV KAUSHIK)  
MEMBER (J)

Dated: 08.02 .2019

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कर्मचारी भविष्य निधि संगठन  
(कर्म एवं रोजगार सेवालय, भारत सरकार)  
Employees' Provident Fund Organisation  
(Ministry of Labour & Employment, Govt. Of India)

मुख्य कार्यालय/Head Office  
भविष्य निधि भवन, 14 भोकाजी कान्हा प्लेस, नई दिल्ली - 110066  
Bhavishya Nidhi Bhawan, 14-Bhikaji Kanha Place, New Delhi-110066  
website: [www.epfindia.gov.in](http://www.epfindia.gov.in), [www.epfindia.org.in](http://www.epfindia.org.in)

IMMEDIATE

No. HRM-I/D-18(1)2014/41

Dated: 08 April, 2019

To

08 APR 2019

The Secretary,  
Government of India,  
Ministry of Labour & Employment,  
Shram Shakti Bhawan, Rafi Marg,  
New Delhi-110001.

{By Name to Shri Samir Kumar Das, Under Secretary (SS-I)}

Subject: Granting of Non-Functional Selection Grade (NFSG) to the cadre of Regional P.F. Commissioner, Gr-I-regarding.

Ref. (i) MoL&E Letter No. F.No.A-12018/2/2018-SS-I dated 11.01.2019  
(ii) MoL&E Letter No. S-38016/04/2019-SS-I dated 15.02.2019.

Sir,

The undersigned is directed to refer to Ministry of Labour & Employment letter No. F.No.A-12018/2/2018-SS-I dated 11.01.2019 (Ref. cited at (i) above) on the above subject forwarding therewith copies of the notes recorded by Estt.(D) and Cadre Review Division of Department of Personnel & Training for taking further necessary action in the matter.

2. In this regard, kind attention is also invited to Ministry of Labour & Employment letter No. S-38016/04/2019-SS-I dated 15.02.2019 (ref. cited at (ii) above) forwarding therewith a copy of Hon'ble CAT Chandigarh Bench in O.A No. 060/00126/2019 filed by Sh. Rakesh Kumar & Ors Vs. UOI & Ors. The said order has been passed by Hon'ble CAT disposing the O.A at admission stage with directions to the respondents to consider and decide the representations of the applicants taking into consideration the ratio laid down in A.K. Chandok case (O.A No.400/HR/2010 decided on 25.02.2011).

3. The matter has been examined in EPFO and since both issues are inter-related, the matter regarding O.A No. 400/HR/2010 in letter dated 15.02.2019 is discussed first as in the following paragraphs.

4. In this regard, kind attention is invited the EPFOs letter No. HRM-I/D-18(1)2014/587 dated 04.07.2018 in reply to the pending Audit Para raised by DGACR on "Irregular grant of

CAT ORDER  
TIME BOUND

Keep copies on  
relevant files  
& process urgently.

9/4/19  
Com (SS-I)  
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एतद एतद-1 अनुक्रम

S.S.-I SECTION

अधीन सं/ Dy. No.

दिनांक/Date

389/2019

9/4/19



Non-Functional Selection Grade in EPFO". A reply was sent to Director (AMG-IV), DGACR vide letter No. HRM-I/Misc./2017/Audit Para/6299-6300 dated 03.07.2018 and a copy of the reply was endorsed to Ministry of Labour & Employment. A separate reply was given to Ministry of Labour & Employment explaining the facts relating to implementation of Non-Functional Selection Grade (NFSG) in EPFO after receipt of approval from Ministry of Labour and Employment vide letter No. A-11013/1/2004-SS-I dated 30.01.2006. A copy of letter dated 30.01.2006 is enclosed as **Annexure-I**. The NFSG was implemented to the extent of 15% of Senior Duty Post to the extent of 29 posts in EPFO by convening a Screening Committee consisting of Addl. Secretary (L&E) as Chairman, Additional Commissioner (ESIC) and CPFC as Members. Subsequently, A.K. Chandok, RPFC-I (Retd) had filed an O.A before Hon'ble CAT Chandigarh Bench vide O.A No. 400/HR/2010 with the pleadings that the benefits of Non-Functional Selection Grade (NFSG) should be made applicable w.e.f. 13.08.1999 i.e. the date the Board had taken the decision instead of 30.01.2006 as decided by the Government earlier. The Hon'ble CAT had allowed the O.A. vide a detailed order dated 25.02.2011. A copy of the order of Hon'ble CAT is enclosed as **Annexure-II**.

5. The Department had challenged the order of Hon'ble CAT before Hon'ble Punjab & Haryana by filing Civil Writ Petition No. 8438/2011. In the Writ Petition one of the submission was made on behalf of the applicants that the NFSG has been implemented w.e.f. 30.01.2006 from the date of approval of the Central Government. The approval of the Central Government was mandatory in this case as DoP&T instructions for grant of NFSG are applicable only to Organised Group "A" services of Central Government. Commissioners cadre of EPFO is not Organised Group "A" service. However, Hon'ble High Court vide its order dated 12.05.2011 had dismissed the Writ Petition as devoid of merits and had upheld the order of Hon'ble CAT as wholly within the parameters of Section 5D(7) of the EPF & MP Act. The judgement of Hon'ble High Court was further examined in the Ministry and Ministry of Labour & Employment had communicated vide their letter No. S-38016/50/2008-SS-I dated 29.08.2011 that the matter was examined in the Ministry and referred to Addl. Solicitor General of India who had opined that the approach of Hon'ble High Court is justified and reasonable and it was not a fit case for filing SLP vide the said letter dated 29.08.2011. The Ministry had further conveyed its decision to implement order of Hon'ble CAT to grant of NFSG to the extent of 15% of the Senior Duty Posts w.e.f. 13.08.1999 and to the extent of 30% of the Senior Duty Post w.e.f. 14.07.2011 within the powers of the CBT as directed by Hon'ble CAT in its order dated 25.02.2011. A copy of MoL&E letter dated 29.08.2011 is enclosed as **Annexure-III** and copy of Order dated 12.05.2011 of Hon'ble High Court of Punjab & Haryana is enclosed as **Annexure-IV**.

6. Thereafter, a further Screening Committee was held on 31.10.2011 in which regular RPFC-I were considered for the vacancy years 1999 to 2011 after following the eligibility norms and 127 officers were granted benefit of NFSG. Thus, the NFSG Scheme was under implementation w.e.f. 31.08.1999 in EPFO in the grade of RPFC-I.

7. In the light of above facts, the Ministry had referred the matter to DoP&T and has communicated vide letter dated 11.01.2019 that the proposal was examined in the Ministry and referred to DoP&T, Establishment (D) who had examined the proposal in consultation with the Cadre Review Division of DoP&T. As per the enclosed photocopies of Note of DoP&T where in the Cadre



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Review Division of DoP&T is of the view that the claim of NFSG to the extent of 30% of Senior Duty Post for RPF-C-I in Commissioner cadre of EPFO on the ground of similar benefit to other Central Government employees is not appropriate as the order of NFSG issued by Cadre Review Division are not uniformly applied to all the Central Government employees and also have certain pre-conditions of its applicability. The observations with regard to applicability of NFSG to Central Group 'A' Services was also submitted in the Affidavit filed before Hon'ble High Court of Punjab & Haryana while challenging the order of the Hon'ble CAT dated 25.02.2011.

8. The Ministry of Labour and Employment has forwarded the proposal for grant of NFSG to DOP&T now when the NFSG Scheme has already been implemented in EPFO with the approval of the Ministry of Labour & Employment and there are 172 Officers who have already been granted NFSG upto August, 2013. Further, the Government of India had given clear directions vide letter dated 30.01.2006 to implement NFSG. Subsequently, in A.K. Chandok's case, the order of Hon'ble CAT dated 25.02.2011 was challenged by the Deptt. Before Hon'ble High Court of Punjab & Haryana vide order dated 12.05.2011. Hon'ble High Court had dismissed the Writ Appeal No. 8438/2011 and had examined the order of Hon'ble CAT dated 25.02.2011 with reference to the provision of Section 5D (7) of the EPF & MP Act as observed by Hon'ble CAT in Para 7 and 8 of its order. Hon'ble High Court had agreed with the judgement of Hon'ble CAT and had observed in para 2 of its order as follows :

*"The aforesaid paras clearly propound the proposition that no permission from the Central Government was required and the original applicant-respondent was entitled to grant of NFSG as was approved by the Central Board of Trustees. There is, thus, no merit in the writ petition and the order passed by the Tribunal as wholly within the parameters of Section 5D (7) of the 1952 Act."*

9. In view of the above, the following specific points are brought to the notice of Ministry of Labour & Employment in order to comply with the directions of Hon'ble CAT passed in instant O.A. No. 060/00126/2019 dated 03.02.2019 received in EPFO on 15.02.2019 :-

- (i) The NFSG has been implemented in the Commissioners cadre with the approval of the MoL&E received by EPFO for its implementation on two occasions. First approval was received at time of introduction of NFSG vide order dated 30.01.2006 and on the second occasion after the judgement/order of Hon'ble CAT as well as Punjab and Haryana dated 12.05.2011 vide Order dated 29.08.2011.
- (ii) Subsequent to the order of Hon'ble High Court of Punjab and Haryana case, the Ministry has further examined the entire matter in their file and have communicated to EPFO vide order dated 29.08.2011 to grant NFSG to similarly placed officers w.e.f. date of decision of the Board i.e. 13.08.1999 and to the extent of 15% of Senior Duty Post and thereafter grant NFSG to the extent of 30% of the Senior Duty Post w.e.f. 14.07.2011.
- (iii) The Ministry has also communicated earlier vide their letter dated 07.08.2017 to delink the case of NFSG prior to Cadre Restructuring from the cases which are due after cadre Restructuring i.e. 27.12.2016 as per sanctioned strength in the cadre as on 27.12.2016.
- (iv) Therefore, it appears that the Ministry while referring the matter to DoP&T has not referred to its previous decisions conveyed vide letter No. A-11013/1/2004-SS-I dated 30.01.2006,



Letter no. S-38016/50/2008-SS-I dated 29.08.2011 as well as letter No. A-26022/1/2017-SS-I dated 07.08.2017. Neither it is clear from the proposal forwarded to the DoP&T whether the earlier decisions of the Ministry at the initial stage in the year 2006 and also while implementing the order of Hon'ble High Court of Punjab & Haryana dated 12.05.2011 in the year 2011 has been brought to the notice of the DoP&T

- (v) The Ministry has referred the matter to DoP&T now and has communicated the views of the DoP&T vide its letter dated 11.01.2019. The contents of the said notes of DoP&T that have been forwarded to EPFO do not convey the decision of MoL&E as to whether they agree to the views of DoP&T in light of the background of the entire matter as discussed above.
- (vi) The Ministry has forwarded the copy of the Hon'ble CAT Chandigarh Bench Order dated 08.02.2019 remarks that course of action lies with the EPFO and necessary action to be taken under intimation to the Ministry. However, given the contradiction between the approval conveyed by the MoL&E vide letter dated 30.01.2006, letter dated 29.08.2011 issued after A.K. Chandoks' judgment and letter dated 07.08.2017 with the letter dated 11.01.2019 issued now, it is apparent that further action will require consideration at MoL&E. Therefore, further course of action has to be decided by MoL&E in light of the facts as above.
- (vii) There are 172 officers who will be affected if the observations of DoP&T communicated by MoL&E are considered. There will be further litigation from all these officers. The similarly placed RPFs (nearly 160) officers are aggrieved of being denied the benefits of NFSG some of them are applicants in O.A.No.060/00126/2019. It may further lead to discrimination in case the benefits of NFSG is denied now and may lead to further litigation based on the decision of A.K. Chandok's case which has already been implemented and may invite Contempt of Court in O.A.No. 060/00126/2019.

10. In view of the above, the Ministry of Labour & Employment may like to review the matter in light of the order of Hon'ble CAT dated 08.02.2019 and order dated 12.05.2011 passed by Hon'ble High Court of Punjab and Haryana which is available in their file No. No. S-38016/50/2008-SS-I dated 29.08.2011 to decide further course of action in the matter. The MoL&E may like to take further legal advice from learned ASG through the Legal Advisor (MoL&E) in the matter in light of the order of Hon'ble CAT dated 08.02.2019 and order dated 12.05.2011 passed by Hon'ble High Court of Punjab and Haryana as well as MoL&E letter dated 11.01.2019 which is a new fact. Meanwhile this office is seeking two months time from Hon'ble CAT, Chandigarh Bench to examine the issue which required further consultation with the Government/Ministry of Labour & Employment.

(This issues with the approval of the Central PF Commissioner)

Encl: As above

Yours faithfully

  
03/04/2019  
(Sanjay Bisht)

Regional P.F. Commissioner-I (HRM)



Department of Personnel & Training  
Establishment (D)

Annex-20

Dy.No.: 1368640/2019/CR

F. No. : A-12018/02/2018-SS-I of M/o Labour &amp; Employment.

Reference - preceding notes.

2. M/o Labour & Employment has sought the advice of this Department on the order dated 08.02.2019 issued by the Hon'ble CAT, Chandigarh in OA No. 060/00126/2019 filed by Sh. Rakesh Kumar and 5 others regarding grant of NFSG to the officers in the Employees' Provident Fund Organisation (EPFO) under the M/o Labour & Employment. The Hon'ble CAT, vide the aforesaid order, has directed the respondent to consider and decide the representations of the applicants for grant of NFSG.

3. In the above context, it is submitted that earlier (in October, 2018) the proposal of the M/o Labour & Employment regarding grant of NFSG to the officers of the rank of Regional Provident Fund Commissioner Grade-I in the Commissioner Cadre in the EPFO at par with the organised Group 'A' Central Service, was referred to this Department for comments / advice. [page 34-36/N]. This Division, after detailed examination of the issue in consultation with CRD Division has furnished the comments of DoP&T to the referring Department, [p.44-46/N].

4. It may be pertinent to mention that while conveying the comments of this Department on the last occasion, it was also observed that the orders of NFSG issued by Cadre Review Division are not uniformly applied to all the Central Government Employees and also have certain pre-conditions for its applicability. Moreover, as per the *Employees' Provident Fund & Miscellaneous Provisions Act, 1952* provides that the Central Board of Trustees is the competent authority in the matter of determinations of the service conditions of its employees. This has also been observed by the Hon'ble CAT while delivering the aforesaid order dated 08.02.2019.

5. In view of the above, this Department may not have anything more to add to its earlier advice. The file may accordingly be returned to the Administrative Department to decide upon the issue. The M/o L&E may consult the DoLA in this regard.

*[Signature]*  
(R.K. Sinha)  
US(Estt-D)  
05-07-2019

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Ministry of Labour and Employment  
O/o Legal Advisor (MOLE)  
File No.A-12018/02/2018-SS-I  
No.LA/6267/MOLE/2019

Reference from note on pre-page: -

The Administrative Ministry has referred the file for seeking legal opinion with regard to grant of Non-Functional Selection Grade (NFSG) to the Cadre RPFC -I in EPFO) as directed by the CAT vide its order dated 08.02.2019 OA No. 060/00126/2019 in the matter of Rajesh Kumar and Others.

2. Briefly, the applicant who are Grade I officers working in the Employees Provident Fund Organization, seeking issuance of direction from the Hon'ble Court to Union of India and Central Board of Trustees, Bhavishya Nidhi Bhawan, Bhikaji Cama Place to grant them the non-functional selection grade in the pay scale of 37400-67000 with grade pay of Rs.8700 after implementation 6<sup>th</sup> CPC recommendations from the date of their eligibility with all the consequential benefits and further direction to implement the order dated 30.01.2006 whereby approval was granted for grant of NFSG in the Commissioner's cadre of Employees Provident Fund Organization. It is relevant to mention here that the applicants' claim for obtaining NFSG is based upon the order passed in the case of A. K. Chandok Vs. Union of India & Others OA No.400/HR/2010 decided on 25.02.2011 by the CAT and upheld by the jurisdictional High Court by dismissing the CWP No.8438 of 2011 filed by Union of India against the aforesaid impugned order. After dismissal of the WP the matter was referred to the Ld. ASG, who has also opined that the approach of the Hon'ble High Court is justified and reasonable and it is not fit a case for filing SLP, which means the aforesaid Order has attained the finality.

3. The main grievance of the applicants' is that the representation dated 20.12.2017 and 23.12.2017 for grant of relevant benefit on the basis of judicial pronouncements in



their favour and the respondents have issued a letter dated 18.06.2018 stating therein that the matter is still under consideration as such the representation filed by the applicants are pending consideration in the office of the respondents and have not been answered till date.

4. The aforesaid OA is disposed of in limine with a direction to the respondent to consider and decide the representation indicated above of the applicants while taking into consideration the ratio laid down in the case of A. K. Chandok, which has been affirmed by the jurisdictional High Court also. The needful be done within a period of two months. If upon such consideration, the applicants are found similarly situated like the applicants in the relied upon case, the relevant benefits be granted to them otherwise a reasoned and speaking order be passed thereon with a copy to the applicants.

5. From the perusal of the file it is seen that 172 officers of EPFO have already been in NFSG up to August 2013. It is relevant to mention here that the order of the CAT in the matter of A.K.Chandok case dated 25.02.2011 was challenged by the Department in the Hon'ble High Court of Punjab and Haryana at Chandigarh which had been dismissed by the Hon'ble High Court in Writ Appeal No. 8438/2011 dated 12.05.2011 observing that "the aforesaid paras clearly propound the proposition that no permission from the Central government was required and the original applicant-respondent was entitled to grant of NFSG as was approved by the Central Board of Trustee. There is, thus no merit in Writ Petition and the order passed by the Tribunal as wholly within the parameters of Section 5 D(7) of the 1952 Act."

6. It further reveals that NFSG has already been implemented in the Commissioner's cadre with the approval of Ministry of Labour & Employment by EPFO for implementation on 2 occasions first approval was received at the time of introduction of NFSG vide order dated 30.01.2006 and secondly after the judgment/ order of the Hon'ble CAT as well



as Punjab and Haryana High Court Double Bench dated 12.05.2011.

7. It is also seen from the file that in 2013 DGACR raised an audit on NFSG in EPFO. The basis of audit para was that as per DoPT instructions both functional post of ACC and Non-functional post of RPFC - I (NFSG) cannot co-exist at the pay scale PB-4 GB Rs. 8700/- at same time. Whereas, EPFO has replied to DGACR that NFSG was implemented in EPFO after due approval of the MOLE vide letter dated 30.01.2006, in fact it was in accordance with section 5D (7) of EPF Act, whereby any deviation from Government norms in the service condition of EPF Officers is permissible with the approval of the Central government.

8. It is relevant to mention here that the Central Board of Trustees (CBT) have the powers to appoint officers has been increased from PB-4 GP Rs. 8700/- to posts equivalent to Joint Secretary to Government of India vide Gazette notification dated 20.01.2016. Thereafter as a part of cadre restructuring implemented in EPFO w.e.f. 31.01.2017, the functional post of ACC has been upgraded to PB-4 GP Rs. 8900/- leaving the pay scale of PB -4 BG Rs. 8700/- vacant for NFSG. It further reveals that the DGACR audit para now been modified as with read as follows:

*"The Central Board of EPFO vide office order no. HRM-1/D-1 (1)2017/CR/26417 dated 13.01.2017 has been given powers to create post up to the Level of Joint Secretaries, clearing the way for further grant of NFSG in EPFO"*

9. During examining the issue it reveals that MOLE has constituted screening committee headed by Secretary, L&E for grant of NFSG to the eligible officers. The matter was referred to the DoPT for examining the issue. The DoPT has opined that the benefits of NFSG for EPFO commissioner is not appropriate as NFSG is not uniformly applicable to all Central Government Employees but is only for organized Group "A" Services.



10. The EPFO officers namely Rakesh Kumar and Ors. have filed OA before the Hon'ble CAT Chandigarh OA No.060/00126/2019 for grant of NFSG. The Hon'ble CAT disposed of the said OA on 08.02.2019 with the direction to respondents to consider and decide the representation of the applicants taking into consideration the ratio laid down in A.K.Chandok case.

11. From the perusal of the file, it is seen that a contempt notice regarding non-compliance of the order-dated 08.02.2019 has been received from the office of the counsel for the applicant dated 16.07.2019 placed in the linked file No. A-12018/02/2018-SS-I (Pt.) with FTS No. 108572. Considerable time has already been lapsed and the applicants may file Contempt Petition before the CAT for non-compliance of the aforesaid order by the Ministry after this contempt legal notice.

12. In the present case, the Hon'ble CAT vide its order dated 08.02.2019 has issued directions to the MoLE to dispose of the representation of the applicants while taking into consideration of ratio laid down in the case of A K Chandok (supra) which has been affirmed by the jurisdictional High Court also. The Hon'ble CAT further observed that if upon such consideration, the applicants are found similarly situated like the applicant in the relied upon case, the relevant benefits be granted to them otherwise reasoned and speaking order be passed thereon, with a copy to the applicants.

13. In views of the above facts, circumstances and legal position delineated hereinabove, the department is advised to comply the CAT's Order dated 08.02.2019 and dispose of the representation of the applicants immediately strictly taking into consideration ratio laid down in A K Chandok case for avoidance of contempt petition in the matter.

*(R.C. Kathia)*  
(R.C. Kathia,  
Legal Adviser (L&E)  
28.08.2019

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*Sol (SKD)*  
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29/8/19

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Office No. 90756.1A (L&E)  
Dated 28/8/2019

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Ministry of Finance  
Department of Expenditure  
E.III(B) Branch  
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Refer : Notes at P.72-79/N, Ministry of Labour and Employment's file No. A 12018/02/2018-SS-I

Ministry of Labour and Employment has forwarded the instant proposal regarding grant of NFSG in the cadre of Regional Provident Fund Commissioner Grade-I (RPFC-I) (GP 7600 pre-revised, Pay matrix Level 12), EPFO in the light of order dt. 03.02.2019 of Hon'ble CAT Chandigarh Bench in O.A no 060/00126/2019 filed by Shri Rakesh Kumar and others.

2. The matter has been examined and it is observed that NFSG in this case of EPFO was allowed by Ministry of Labour and Employment in terms of their letter dated 31.1.2006. At that time the Ministry of Finance, Department of Expenditure does not appear to have been consulted. It is also seen that Ministry of Labour decided to implement the order of Hon'ble Chandigarh Bench of CAT dated 25.2.2011 in terms of their letter dated 29.8.2011 and at that stage also, the Ministry of Finance, Department of Expenditure does not appear to be consulted. It is once again seen that the Ministry of Labour in terms of their letter dated 4.8.17 allowed EPFO that the cases of NFSG may be proposed as per sanctioned strength in cadre restructuring dated 27.12.2016. Thus, the Ministry of Finance, Department of Expenditure was not consulted at any stage, especially at the primary stage of introduction of NFSG in this case. Secondly and more importantly, Department of Personnel and Training is the nodal Department on the issue of NFSG and as such, the action advised by Department of Personnel & Training in terms of para 4 of their note on page 68/n may be taken. This Ministry has no further comments to add.

3. This has the approval of AS(Pers.).

*(Signature)*  
05/12/19

(A.K.Nandy)  
Under Secretary (E-III-B)

AS&FA, Ministry of Labour & Employment, Shram Shakti Bhawan, New Delhi  
M/o Finance, D/o Expenditure UO No. 23(2)/E III(B)/2019 dated 5.12.19

*(Signature)*  
Under Secretary  
Ministry of Labour & Employment  
New Delhi

AS & FA - on leave  
DSCRIC - 5/12/19

*(Signature)*  
5/12

SOC (H)

*(Signature)*  
5/14/19

Dir (SS)

*(Signature)*  
5/12

*(Signature)*  
6/12

*(Signature)*  
5/12/19  
AS (B)





कर्मचारी भविष्य निधि संगठन  
(श्रम एवं रोजगार, मंत्रालय - भारत सरकार)  
**EMPLOYEES' PROVIDENT FUND ORGANISATION**  
(Ministry of Labour & Employment, Govt. of India)

मुख्य कार्यालय : Head Office

भविष्य निधि भवन, 14-भोकाराई कामा प्लेस, नई दिल्ली-110 066.

Bhavishya Nidhi Bhawan, 14, Bhokarai Cama Place, New Delhi - 110 066.

HRM-I/D-18(1)2014/pt.

Date :

To

The Secretary  
Ministry of Labour & Employment  
Shram Shakti Bhawan, New Delhi

21 JAN 2020

[By name to: Shri S.K.Das, Under Secretary]

**Subject:** In the matter of OA No. 060/00126/2019 filed by Sh. Rakesh Kumar & Ors. Vs. UOI & Ors.  
Regarding granting Non Functional Selection Grade- regarding.

Sir,

Please refer to Ministry's letter No. A-12018/02/2018-SS.I(Pt.) dated 13.01.2020 on the above cited subject.

2. The requisite information is furnished as under:-

S.N	Information desired	Reply
1.	Stagnation, if any, in the Commissioner Cadre after implementation of the Cadre restructuring order dated 13.01.2017.	<p>For want of regular cadre restructuring the promotion of officer in Commissioner Cadre have got delayed over the period of time. Given to the age profile of RPFCs-I and number of posts in RPFC-I and the next higher post Addl. CPFC which are 239 and 32, it is expected that the RPFC-I cadre would face stagnation in future.</p> <p>An analysis was done on the basis of present restructuring of ACC and RPFC-I level and proposed promotions to be done on the basis of their respective age profiles and it was found that from amongst the RPFC-I belonging to 1999 batch and above, approx. 50 RPFCs-I would retire before getting any further promotion (copy enclosed). It should also be noted that RPFCs-I Officers from later batches have not been considered in this analysis which should further show even more adverse situation.</p> <p>It is also pertinent to mention that most of DR Asstt. P.F Commissioners of 1999 batch got their first promotion only in 2009 as RPFC-II and second promotion in 2017 as RPFC-I. Thus during the last 21 years of service in Gr. A Cadre, these officers have got only two promotions and there appears to be no chance of future promotions under the prevailing conditions for many of them. In view of the above it can be seen that there is likely to be significant stagnation in RPFC-I Cadre in future.</p>
2.	Various grades in the Commissioner Cadre for which relaxation in the qualifying service, as per the Recruitment Rules, was given since the implementation of the Cadre restructuring order dated 13.01.2017.	<p>(i) Relaxation of 21 months in qualifying service has been provided for the promotion to the post of Regional P.F Commissioner, Gr. I in respect of 08 officers.</p> <p>(ii) Relaxation of 12 months in qualifying service has been provided for the promotion to the post of Regional P.F Commissioner, Gr. II in respect of 81 officers.</p>
3.	Detailed Cadre structure of the Commissioner Cadre showing the different grades along with	<p>(i) Assistant P.F Commissioner (level 10 in pay matrix).</p>



<p>corresponding posts, level in the pay matrix and qualifying service for promotion between successive grades.</p>	<p>(Recruitment Rules are under consideration) <u>Proposal:</u></p> <p>By promotion:- Section Officers or Enforcement Officers/Accounts Officers in EPFO with five year's regular service in that grade.</p> <p><u>Note:-</u> 1.The selection of officers for promotion shall be made from amongst the grades of Section Officer and Enforcement Officers/Account Officers as under: 1. 6% of Section Officer 2. 94% of Enforcement Officer/Account Officers</p> <p>(ii) <u>Regional P.F Commissioner-II(level-11 of pay matrix)</u></p> <p><u>Promotion:</u> Officers holding the substantive post of Assistant Provident Fund Commissioner Grade with five years' regular service in the Grade.</p> <p>(iii) <u>Regional P.F Commissioner-I(level-12 of pay matrix)</u></p> <p><u>Promotion:</u> Officers holding the post of Regional Provident Fund Commissioner, Grade - II with five years regular service in the grade.</p> <p>(iv) <u>Addl. Central P.F Commissioner(level- 13A)</u></p> <p><u>Promotion:</u> Officers holding the substantive post of Regional Provident Fund Commissioner - I having six years of regular service in the grade.</p> <p><u>Note:-</u> Officers of Employees' Provident Fund Organisation in Group 'A' with three years' regular service in Level 13 in the pay matrix (Rs. 123100-215900) or with six years' regular service in Level 12 in the pay matrix (Rs.78600-209200) and having twenty years' service in Group 'A' subject to fitness and availability of position.</p>
	<p>(v) <u>Addl. Central P.F Commissioner(HQ) (level-14)</u></p> <p><u>Promotion:</u> 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; 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) <u>Deputation:</u> 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>

Yours faithfully



(Brijesh Kumar Mishra)  
Regional P.F.Commissioner-I(HRM)

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S.No.	OfficerName	Designation	DOB	DOR	S.No.	OfficerName	Designation	DOB	DOR
1	A.K. Dubey	ACC	04-Jul-60	31-07-2020	1	Pankaj	RPFC-I	10-09-1966	30-09-2026
2	Narayana Kamma	ACC	04-Aug-60	31-08-2020	2	Maneesh Agnihotri	RPFC-I	30-Jan-70	31-01-2030
3	M.Madhiashagan	ACC	06-May-61	31-05-2021	3	Mukesh Kumar	RPFC-I	18-Sep-71	30-09-2031
4	K.L. Goyal	ACC(HQ)	01-Jul-61	30-06-2021	4	Sunil Kumar Suman	RPFC-I	10-May-70	31-05-2030
5	KRISHNA CHOWDHARY	ACC	05-Jun-61	30-06-2021	5	Ajay Kumar Mehra	RPFC-I	11-Mar-69	31-03-2029
6	Maruti Bhoji	ACC	22-Jul-62	31-07-2022	6	B.Lalzamang	RPFC-I	21-Jul-68	31-07-2028
7	Smt. Udit Chodhary	ACC(HQ)	16-Aug-62	31-08-2022	7	Vipin Kumar Sharma	RPFC-I	01-Oct-68	30-09-2028
8	Shri Jagmohan	ACC(HQ)	16-Mar-63	31-03-2023	8	Smt. Aprajita Jaggi	RPFC-I	11-Oct-75	31-10-2035
9	K.L. Taneja	ACC(HQ)	15-Aug-63	31-08-2023	9	Sanjay Bisht	RPFC-I	08-12-1965	31-12-2025
10	R.K. Singh	ACC(HQ)	20-Apr-64	30-04-2024	10	Shishir Kant Jha	RPFC-I	14-Dec-68	31-12-2028
11	S.K. Aggarwal	ACC(HQ)	23-Aug-64	31-08-2024	11	P. Hangsing	RPFC-I	01-Sep-65	31-08-2025
12	S.B. Sinha	ACC	04-Nov-64	30-11-2024	12	Ajeet Kumar	RPFC-I	04-Apr-73	30-04-2033
13	V.P. Singh	ACC(HQ)	21-May-65	31-05-2025	13	Gazala Ali Khan	RPFC-I	03-Aug-73	31-08-2033
14	Sh. S.DURGA Prasad	Sealed Cover ACC	02-Jun-65	30-06-2025	14	Dharmendra Kumar Singh	RPFC-I	06-Nov-70	30-11-2030
15	Anil O.K	ACC	10-Jul-65	31-07-2025	15	Sudeepta Ghosh	RPFC-I	21-Mar-71	31-03-2031
16	Sh.R.M. Verma	ACC	29-Sep-65	30-09-2025	16	P.B. Verma	RPFC-I	13-Nov-71	30-11-2031
17	Smt. Anita Sinha Dixit	ACC	15-Oct-65	31-10-2025	17	Saurabh Jagati	RPFC-I	18-Aug-72	31-08-2032
18	P.Veerabhadra Swamy	ACC	07-Oct-65	31-10-2025	18	Suraj Sharma	RPFC-I	13-May-74	31-05-2034
19	V.Ranganath	ACC	10-Dec-65	31-12-2025	19	B.Andrew Prabhu	RPFC-I	03-Sep-68	30-09-2028
20	Sahira K Sangma	ACC	06-Feb-66	28-02-2026	20	Jay Kumar	RPFC-I	31-Jan-71	31-01-2031
21	Ch. Sanjay Mishra	ACC	01-Apr-66	31-03-2026	21	Salil Sankar	RPFC-I	02-May-71	31-05-2031
22	MSKVV Satyanarayan	ACC	21-Apr-66	30-04-2026	22	Juhan Tobias	RPFC-I	28-Jul-72	31-07-2032
23	Sh. Samarendra Kumar	Sealed Cover ACC	21-Apr-66	30-04-2026	23	Gautam	RPFC-I	15-Jul-74	31-07-2034
24	Sh. P.K.Mishra	Sealed Cover ACC	11-Jul-66	31-07-2026	24	M.M.Ashraf	RPFC-I	15-Jul-74	31-07-2034
25	Gautam Dixit	ACC	23-Oct-66	31-10-2026	25	Amit Vashist	RPFC-I	06-Jun-75	30-06-2035
26	Sarojini Rane	ACC	25-Dec-66	31-12-2026	26	Navendu Rai	RPFC-I	07-Sep-71	30-09-2031
27	Kumar Rohit	ACC	21-Jul-67	31-07-2027	27	Jaideep Chakrabarti	RPFC-I	02-Dec-72	31-12-2032
28	D.Remmei	ACC	21-Aug-67	31-08-2027	28	Ms. Swagata Rai	RPFC-I	23-Dec-73	31-12-2033
29	Ms. Mridula Ghal	ACC(HQ)	03-Aug-67	31-08-2027	29	N.Gopalakrishnan	RPFC-I	20-Apr-75	30-04-2035
30	C.Chakraborty	ACC(HQ)	16-Jun-68	30-06-2028	30	Ms. Nisha O.V	RPFC-I	27-Aug-76	31-08-2036
31	Rajsekhar Reddy	ACC	10-Aug-68	31-08-2028	31	Ranjay Mooshahary	RPFC-I	18-Jun-77	30-06-2037



32	Seeraj Kumar	ACC	15-Sep-68	30-Sep-2029	32	Soumya Kamal Gupta	RPTC-I	06-Mar-70	31-03-2030
33	Uma Mandal	ACC	05-Jan-69	31-01-2029	33	Paranpal Singh Malini	RPTC-I	22-Aug-72	31-08-2032
34	Animesh Mishra	ACC	25-Apr-69	30-Apr-2029	34	Ravi Kam	RPTC-I	15-Jan-73	31-01-2033
35	Ashay Ranjan	ACC	17-May-69	31-05-2029	35	Prasant K.	RPTC-I	30-May-70	31-05-2030
36	Udai Baxi	ACC	21-Dec-69	31-12-2029	36	Siddharth Singh	RPTC-I	20-Jan-72	31-01-2032
37	Arif Lohani	ACC	20-May-70	31-05-2030	37	Rajesh Pandey	RPTC-I	16-Dec-77	31-12-2037
38	Rajib Bhattacharya	ACC	05-Nov-70	30-11-2030	38	Uttam Prakash		06-Jan-73	31-01-2033
39	Kavitha N George	ACC	16-May-71	31-05-2031	39	Manoj Kumar Yadav		05-Feb-78	28-02-2035
40	Vaishali Daval	ACC	12-Jul-71	31-07-2031	40	Jagdish Tambe		25-Mar-76	31-03-2036
41	Pankaj Raman	ACC	25-Feb-72	29-02-2032	41	Ms. Pooja Singh		19-Jun-76	30-06-2036
42	Rajiv Bisht	ACC	01-Sep-72	31-08-2032	42	Abhishek Kumar		01-Oct-76	30-09-2036



S.No.	Officer's Name	Designation	DOB	DOR			
1	E.S. Sanjeeva Rao	RPFC-I	26-Aug-60	31-08-2020			
2	Rabindra Samal	RPFC-I	05-Jan-62	31-01-2022			
3	Awadesh Kumar Singh	RPFC-I	01-Jan-66	31-12-2025			
4	Subrata Kumar	RPFC-I	21-Sep-65	30-09-2025			
5	Jayant Kumar Pandey	RPFC-I	01-Jul-67	30-06-2027			
6	Tushar Kanti Mukherjee	RPFC-I	25-Oct-68	31-10-2028			
7	Rakesh Sehrawat	RPFC-I	01-Jun-69	31-05-2029			
8	Ms. Indira Thirumalaraj	RPFC-I	06-Mar-70	31-03-2030			
9	Rizwan Uddin	RPFC-I	02-Nov-70	30-11-2030			
10	Bolla Chandra Sekhar	RPFC-I	20-Jul-71	31-07-2031			
11	Rajesh Kumar Sinha	RPFC-I	30-Apr-64	30-04-2024			
12	Dinachandra Singh Sami	RPFC-I	01-Jan-64	31-12-2033			
13	Santanu Bandyopadhyay	RPFC-I	28-Jan-65	31-01-2025			
14	Dr. Shiw Kumar	RPFC-I	01-Mar-66	28-02-2036			
15	Saurabh Numan Prasad	RPFC-I	27-Mar-67	31-03-2027			
16	Debi Prasad Bhattachary	RPFC-I	26-Sep-68	30-09-2028			
17	Sanat Kumar	RPFC-I	13-Mar-70	31-03-2040			
18	Manoj Yadav	RPFC-I	20-Mar-71	31-03-2031			
19	Anandip Mishra	RPFC-I	05-Apr-71	30-04-2031			
20	Ravindra Babu	RPFC-I	30-Aug-70	31-08-2030			
21	Subhash Chandra Sharma	RPFC-I	03-Jan-62	31-01-2022			
22	Ashok Kumar	RPFC-I	01-Jan-67	31-12-2026			
23	Shashank Dinkar	RPFC-I	03-Sep-70	30-09-2030			
24	Krishna Shankar	RPFC-I	15-Aug-65	31-08-2025			
25	Prashant Kumar Sinha	RPFC-I	30-Jan-68	31-01-2028			
26	Dhanasekar Raman	RPFC-I	10-Mar-72	31-03-2032			
27	Arun Kumar	RPFC-I	05-May-70	31-05-2030			
28	Sanjay Kesari	RPFC-I	05-Sep-62	30-09-2022			
29	Nanda Kumar Adurkar	RPFC-I	12-Jun-65	30-06-2025			
30	Bhupendra Singh	RPFC-I	03-Mar-68	31-03-2028			
31	K. Rupeshor Singh	RPFC-I	01-Mar-71	28-02-2031			
32	Shekar Kumar	RPFC-I	02-Jun-74	30-06-2034			
33	Sudhir Nathu Ganvir	RPFC-I	13-Feb-75	28-02-2035			
34	Alok Yadav	RPFC-I	30-Jul-67	31-07-2027			
35	Shyam Veer Tonk	RPFC-I	24-Apr-72	30-04-2032			
36	Ms. C. Amudha	RPFC-I	30-Jan-74	31-01-2034			
37	Vijay Kumar	RPFC-I	25-Sep-74	30-09-2034			



38	Vijay Kumar Prasad	RPFC-I	30-Sep-74	30-09-2034						
39	Ranjan Kumar Sahoo	RPFC-I	24-Jun-75	30-06-2035						
40	Rina Mandal	RPFC-I	30-Dec-66	21-12-2026						
41	M.H.Warsi	RPFC-I	30-Aug-70	31-08-2030						
42	J.P.Chauhan	RPFC-I	06-Feb-70	28-02-2030						
43	Md. Ashraf Kamil	RPFC-I	20-Jun-75	31-01-2035						
44	Rajiv Kumar Pal	RPFC-I	16-Apr-62	30-04-2022						
45	Kandasamy Muthuselya	RPFC-I	15-Apr-65	30-04-2025						
46	Jitender Kumar Sangala	RPFC-I	05-Feb-69	28-02-2029						
47	Vikas Sodai	RPFC-I	22-Jul-72	31-07-2032						
48	Birender Kumar	RPFC-I	15-Aug-68	31-08-2028						
49	Rakesh	RPFC-I	24-Aug-68	31-08-2028						
50	Abhay Kumar Mandal	RPFC-I	09-Jun-69	30-06-2029						
51	Viswajeet Sagar	RPFC-I	14-Feb-75	28-02-2035						
52	Rithuraj Medhi	RPFC-I	29-Apr-72	30-04-2032						
53	Thothar Ningshen	RPFC-I	01-Mar-75	28-02-2035						
54	Ravindra Kumar Kondre	RPFC-I	18-Jun-68	30-06-2028						
55	Rahul Arya	RPFC-I	16-Jul-69	31-07-2029						
56	Robert Worchipem Kap	RPFC-I	30-Sep-74	30-09-2034						
57	M.S.Arya	RPFC-I	21-Aug-68	31-08-2028						
58	Nand Ram Meena	RPFC-I	15-Dec-69	31-12-2029						
59	Mhontung Ngullie	RPFC-I	08-Feb-75	28-02-2035						





कर्मचारी भविष्य निधि संगठन  
(श्रम एवं रोजगार मंत्रालय, भारत सरकार)  
**EMPLOYEES' PROVIDENT FUND ORGANISATION**

(Ministry of Labour & Employment, Govt. of India)

मुख्य कार्यालय / Head Office

भविष्य निधि भवन, 14-भिकाजी कामा प्लेस, नई दिल्ली-110 066.

Bhavishya Nidhi Bhawan, 14, Bhikaiji Cama Place, New Delhi - 110 066.

HRM-I/D-18(1)2014/pt./1098

Date :

To

05 FEB 2020

The Secretary  
Ministry of Labour & Employment  
Shram Shakti Bhawan, New Delhi

✓ [By name to: Shri S.K.Das, Under Secretary ]

**Subject: Minutes of the meeting of the Committee to facilitate decision on the issue of grant of NFSG to RPFC-I in EPFO- regarding.**

Sir,

Please refer to Ministry's letter No. A-12018/02/2018-SS.I(Pt.) dated 29.01.2020 on the subject cited above wherein it has been requested to furnish the information whether the scheme of MACP is applicable to the officers of the cadre.

2. In this regard, it is informed that no MACP has been granted to the officers who have joined the Organization as Gr. A Officer although the MACP has been granted to a few of those Gr. A Officers who had joined the EPFO initially as Gr. B Officer i.e Enforcement Officer/Account Officer.

Yours faithfully

(Brijesh Kumar Mishra)  
Regional P.F Commissioner-I (HRM)

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50/85A-07  
2180/117

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कर्मचारी भविष्य निधि संगठन  
(श्रम एवं रोजगार मंत्रालय, भारत सरकार)  
**EMPLOYEES' PROVIDENT FUND ORGANISATION**

(Ministry of Labour & Employment, Govt. of India)

मुख्य कार्यालय / Head Office

भविष्य निधि भवन, 14-भिकाजी कामा प्लेस, नई दिल्ली-110 066,

Bhavishya Nidhi Bhawan, 14, Bhikaiji Cama Place, New Delhi - 110 066.

HRM-I/D-18(1)2014/pt.

Date :

To

The Secretary  
Ministry of Labour & Employment  
Shram Shakti Bhawan, New Delhi

23 JAN 2020

[By name to: Shri S.K.Das, Under Secretary ]

**Subject:** In the matter of OA No. 060/00126/2019 filed by Sh. Rakesh Kumar & Ors. Vs. UOI & Ors. Regarding granting Non Functional Selection Grade- regarding.

Sir,

Please refer to Ministry's letter No. A-12018/02/2018-SS.I(Pt.) dated 13.01.2020 on the above cited subject for which the reply has been sent vide this office letter dated 21.01.2020.

2. In continuation of the same, the reply given in connection with point no. 2 is revised as under:-

S.N	Information desired	Reply
2.	Various grades in the Commissioner Cadre for which relaxation in the qualifying service, as per the Recruitment Rules, was given since the implementation of the Cadre restructuring order dated 13.01.2017.	<p>(i) Relaxation of 12 months in qualifying service has been provided for the promotion to the post of Addl. CPFC in respect of 22 officers.</p> <p>(ii) Relaxation of 21 months in qualifying service has been provided for the promotion to the post of Regional P.F Commissioner, Gr. I in respect of 08 officers.</p> <p>(iii) Relaxation of 12 months in qualifying service has been provided for the promotion to the post of Regional P.F Commissioner, Gr. II in respect of 81 officers.</p>

(Brijesh Kumar Mishra)  
Regional P.F Commissioner-I (HRM)

Skp  
24/1  
20/01-07  
A80 (US)

209





**Proposal for cadre restructuring to remove anomalies and stagnation that has set in at various level of Group 'A' Commissioners' Cadre and for effectively manning the offices.**

Since the implementation of last cadre restructuring many of the new problems have emerged. Though, many of the anomalies are still to be resolved; three most important issues which the last Cadre Restructuring has not been able to resolve is:

1. Granting of Non-Functional Selection Grade (NFSG).
2. Stagnation at senior level especially above JAG level.
3. Absorption of supernumerary cadre of APFCs into the regular cadre.

As may be noted that the overall objective of the CR is not only to remove these anomalies but also to achieve following objectives:

- i. To enhance the effectiveness of the service delivery.
- ii. Estimate future manpower requirements on a scientific basis over the review period.
- iii. Plan recruitment in such a way so as to avoid future promotional blocks and at the same time prevent gaps building up.
- iv. Restructure the cadre so as to harmonize the functional needs with the legitimate career aspirations of the staff and officers.

At this stage we are not entering into the detailed discussions about the needs and requirements analysis for restructuring, reorganizing and expansion of cadre. But in short following point may be mentioned:

1. Since the last Cadre Restructuring more than 120 District Offices have been handled over compliance and other functions leading to large increase in their work load.
2. Massive increase in the membership since last Cadre Restructuring and corresponding increase in the number of claims at RO level.
3. Steep growth in the coverage of establishment and corresponding need to arrest default.

Present cadre strength of the Group 'A', Commissioners' Cadre is as below:

Sr No.	Cadre	Strength (Pay)	Percent of Total Strength
1.	Additional CPFC (HQ)	13 (Rs 144200 – Rs 218200)	1.26 %
2.	Additional CPFC	32 (Rs 131100 – Rs 216600)	3.1 %
3.	Regional Commissioner – I PF	0 with NFSG 239 (Rs 78800 – Rs 209200)	0.0 % 23.1 %
4.	Regional Commissioner – II PF	299 (Rs 67700 - 208700)	28.9 %
5.	Assistant Commissioner PF	452 (Rs 56100 – Rs 177500)	43.7 %
6.		1034	

The above structure is highly skewed and there is extreme level of stagnation at the JAG level. The reason is two-fold. One is not granting NFSG at JAG level. Another is steep fall of sanctioned posts above JAG level. Both of these are against the DoPT norm of ideal cadre management.

To deal with these anomalies, to tackle the increased workload and to achieve the objectives as described above, following changes are being proposed:

### Proposal with NFSG at JAG level

Sr No	Cadre	Proposed Strength (Pay)	Percent of total strength	Remarks
1.	FA&CAO, CVO, Additional CPFC (HQ - HR), Additional CPFC (HQ - Compliance)	4 (Rs 182200 - Rs 224100)	0.25 %	Post in HAG were not agreed to in 2011. But after the gap of 9 years and exponential increase in functions and responsibilities, it has become imperative to grant these posts.
2.	ACC (HQ)	50 (Rs 144200 - Rs 218200)	3.1 %	As per ideal cadre strength around 17% of total cadre shall be at SAG level. Nevertheless only 50 posts are being demanded so that each subdivision in Head Office is manned by a senior officer of JS Rank and also to remove stagnation to some extent.
3.	ACC	150 (Rs 131100 - Rs 216600)	9.4 %	There is requirement of manning each political state by an Additional CPFC. Also cities of Delhi, Mumbai, Kolkata, Chennai, Bangalore, Hyderabad and Ahmadabad need to have one ACC each. Apart from these, each Zonal Training Institute, PDUNASS, each specialized subdivision of Head Office and IS Division should be headed by ACC.
4.	Regional Commissioner - I	PF 250  30% of senior duty post to be granted NFSG (Rs 123100 - Rs 215900)  (Rs 78800 - Rs 209200)	15.7 %	The 72 <sup>nd</sup> meeting of CBT held in 2011 has granted parity with IRS (IT) Gr 'A'. One of the essential effects of granting parity is that NFSG must be granted at JAG level. This is the most crucial step where maximum stagnation occurs. Therefore increase in this cadre with NFSG is essential to stop stagnation.
5.	Regional Commissioner - II	PF 385 (Rs 67700 - Rs 208700)	24.2 %	Nearly 120 District Offices are fully functional now and are doing crucial functions like compliance, default



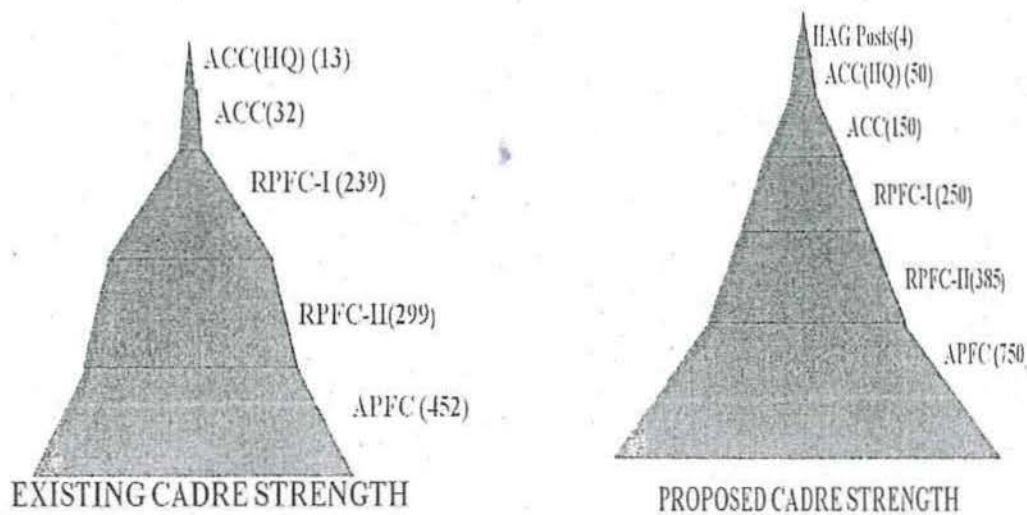
					management, recovery etc. They need to be headed by RPFC – II with one or two APFCs to assist him depending upon workload. Apart from these offices, nearly 125 ROs and HO are in dire need of RPFC – II.
6.	Assistant Commissioner	PF	750 (Rs 56100 – Rs 177500)	47.2	Nearly 250 supernumerary APFCs must be regularized as soon as possible. To absorb them and to end this anomaly, sanctioned strength should be increased. Also around 250 ROs and DOs along with HO are in requirement of APFCs to tackle the work load. Therefore increase at this level is a must to achieve the above stated goals.
7.			1589		

**Proposal with functional post at the Pay Level of Rs 123100 – Rs 215900**

Sr No	Cadre	Proposed Strength (Pay)	Percent of total strength	
1.	FA&CAO, CVO, Additional CPFC (HQ - HR), Additional CPFC (HQ - Compliance)	4 (Rs 182200 – Rs 224100)	0.25 %	To be granted after 26 years of service in Group 'A'
2.	ACC (HQ)	50 (Rs 144200 – Rs 218200)	3.1 %	To be granted after 17 years of service in Group 'A'.
3.	ACC	150 (Rs 131100 – Rs 216600)	9.4 %	To be granted after 15 years of service in Group 'A'.
4.	Regional Commissioner - I	PF 250 (Rs 123100 – Rs 215900)	15.7 %	This may be converted into functional post of depicted pay level to be granted after 13 years of service in Group 'A'.
5.	Regional Commissioner - II	PF 385 (Rs 78800 – Rs 209200))	24.2 %	To be granted after 9 years of service in Group 'A'
6.	Assistant Commissioner	PF 750 (Rs 56100 – Rs 177500)	47.2	APFC shall be granted Senior Time Scale (Rs 67700 – Rs 208700) after 4 years of service in Group 'A' and may be designated as Deputy PF Commissioner after granting STS.
7.		1589		

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The existing and proposed cadre strength may be pictorially depicted as under.



It must be mentioned here that even the proposed cadre is also very skewed and far away from ideal cadre especially at the SAG level and for an ideal cadre there shall be much more posts at every level above APFC than is being demanded at present. But what is being suggested at present is the bare minimum to deal with the problem in hand and to meet the objectives of an ideal cadre.

The reasons and justification given above for reorganizing the cadre is only indicative. Whenever it will be required, a detailed study/analysis may be presented for each of the points indicated above.

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No. I-11019/12/2008-CRD  
Government of India  
Ministry of Personnel, Public Grievances and Pensions  
Department of Personnel and Training

Room No. 341, Lok Nayak Bhawan,  
New Delhi-110003.

November 19, 2009

Office Memorandum

20 NOV 2009

Subject: Attributes of Organised Group 'A' Central Services- Clarification regarding.

The Department of Personnel and Training has been receiving a number of references seeking clarifications about the attributes and definition of the Organised Group 'A' Central Services. Many service associations have also filed applications in various courts claiming the status of an Organised Group 'A' Service and the consequential benefits. It appears that the difference between an Organised Group 'A' Service and other Services/Cadres has not been appreciated in its true sense. The attributes of an Organised Group 'A' Service are clearly laid down in the existing Monograph on Cadre Management published by this Department. In order, however, to remove any doubt, the same are reiterated below:

- (i) The highest cadre post in such services is not below the level of Rs.37400-67000 plus Grade pay of Rs.10000 (SAG);
- (ii) Such services have all the standard grades namely, Rs.15600-39100 plus Grade pay Rs.5400 (JTS), Rs.15600-39100 plus Grade pay Rs.6600 (STS), Rs.15600-39100 plus Grade pay Rs.7600/Rs.37400-67000 plus Grade pay of Rs.8700 (JAG/NFSG) and Rs.37400-67000 plus Grade pay of Rs.10000 (SAG);
- (iii) At least 50% of the vacancies in Junior Time Scale (JTS) in such services are required to be filled by direct recruitment;
- (iv) All the vacancies above JTS and upto SAG level in such services are filled up by promotion from the next lower grade;

P. Tyagi

(v) While a service may comprise one or more distinct cadre (s), all such cadres should be governed by composite Service Rules facilitating horizontal and vertical movement of officers of a particular cadre at least upto SAG level. The cadre posts of an Organised Service expressly belong to that service. The posts not belonging to any service are classified as General Central Service and, therefore, an Organised Group 'A' Service cannot have posts/grades classified as General Central Service; and

(vi) Such a service consists of two distinct components, namely Regular Duty Posts and Reserves. The Reserves are generally of four types, viz (i) Probationary Reserves, (ii) Leave Reserve, (iii) Training Reserve and (iv) Deputation Reserve. The various types of reserves are usually created and accounted for in the Junior Time Scale.

**Note:-** The existing Organised Group 'A' Services have evolved over a period of time and may have minor deviations owing to their respective functional requirements. The services already declared as such need not, however, be reviewed.

2. The above are certain basic attributes of an Organised Group 'A' Service. There is, however, nothing to suggest that the services/cadres fulfilling these criteria would be automatically conferred the status of an Organised Group 'A' Service. An Organised Group 'A' Service is one which is constituted consciously as such by the Cadre Controlling Authorities and such a service can be constituted only through the established procedures.

P. Tyagi

(Pratima Tyagi)

Under Secretary to the Government of India

Tel: 24622461.

To

All the Cadre Controlling Authorities.  
(As per standard mailing list)

216



for pr-por

Dept of Personnel & IS  
BSH (M) D-

The instruction on NFV issued in  
 DOP on dated 26.6.09 is applicable  
 to offices of organized group A service  
 under Central Government. EPFO being  
 an autonomous body, the offices &  
 employees of EPFO shall not be  
 covered for NFV.

BSH  
 17/7/12  
 USM

Dir. (E/2)

Chait  
 18/7/12

US (ref)

BSH  
 2/7/12

M/ Labour & Emp. issues

reg no - - 63252/CR/12 dt., 20/7/12

Deptt. of Personnel & Training  
(RR Section)

....

Ministry of Labour and Employment may kindly refer to their notes recorded on pages 88-89/N soliciting clarification regarding grant of STS in EPFO.

2. The issue has been examined. The undersigned is directed to convey that EPFO is an autonomous organization and DOPT's rules and policies are not suo-motto applicable to them and that the post/cadre of the EPFO is not Group 'A' Organization service. Therefore, NFU provisions are not applicable to them.

3. This issues with the approval of JS (E).

(K. Prakasham)  
Under Secretary

Ministry of Labour & Employment (kind Attn: Director (VK))  
DOP&T ID No. 1295645/18/CR dated 09.03.2018

12/3/18

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AKB/Consultant (SS I)

May pl. see at dah stage:

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कर्मचारी भविष्य निधि संगठन  
Employees' Provident Fund Organisation

(श्रम एवं रोजगार मंत्रालय, भारत सरकार)  
(Ministry of Labour & Employment, Govt. Of India)  
मुख्य कार्यालय/Head Office

भविष्य निधि भवन, 14, भीकाजी कामा प्लेस, नई दिल्ली - 110 066.  
Bhavishya Nidhi Bhawan, 14-Bhikaiji Cama Place, New Delhi-110066  
[www.epfindia.gov.in](http://www.epfindia.gov.in)

Telephone: 011-26185580 Fax: 011-26173022 Email: [rc.wsu@epfindia.gov.in](mailto:rc.wsu@epfindia.gov.in)

ANNEX-30

No. WSU/44(2)97/Admn. charges

Date:

To

The Secretary to the Government of India  
Ministry of Labour & Employment  
Shram Shakti Bhawan, Rafi Marg  
New Delhi.

(Kind attention: Sh. Vinod Kumar, Director)

Sub: Reduction in the rate of Administrative charges payable by the employer  
towards EPF Scheme, 1952:

Ref. PMO ID No. 4847692/PMO/2018-ES-2 dated 15.06.2018.

Sir,

Please refer to the subject cited above. In this connection, it is informed that the administrative charges on EPF payable by the employer changed from time to time are mentioned in the table below:-

Rate of administrative charges (as % of Pay)	Date of implementation	Changed after number of years
3.00%	1 <sup>st</sup> November, 1952	Inception
0.37%	1 <sup>st</sup> October, 1964	12
0.65%	1 <sup>st</sup> October, 1996	32
1.10%	1 <sup>st</sup> August, 1998	02
0.85%	1 <sup>st</sup> January, 2015	17
0.65%	1 <sup>st</sup> April, 2017	02
0.50%	1 <sup>st</sup> June, 2018	01

2. The last reduction was made to 0.50% w.e.f. 1<sup>st</sup> June, 2018. The impact of the changes is mentioned below:-

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- a) In April, 2017, EPFO has also abolished charges towards administration of EDLI Scheme, 1976. Similarly, no charges are levied on employers towards administration of Employees' Pension Scheme, 1995.
- b) Consequent to the reduction in administrative charges to 0.50% from 1<sup>st</sup> of June, 2018, it has been projected that the estimated Receipt of administrative charges would be around Rs. 3250 crores per annum whereas average expenditure would be around Rs. 4900 crores per annum. Therefore, a shortfall of Rs. 1650 crores approximately is estimated every year. Under these circumstances, it will be required to withdraw the funds from Public Accounts (Major Head-8012-Special Deposit of EPF Scheme Administrative Fund), from current year onwards, maintained with Ministry of Labour & Employment. The expenses are likely to increase as EPFO is making lot of IT initiatives and continuously involved in capacity building and upgradation of IT infrastructure and also committed to bringing awareness among stakeholders through regular publicity campaign etc.
- c) As on 31.03.2015, there was a deficit of Rs. 8298.98 crores in Staff Pension-cum-Gratuity Fund. Consequent to the actuarial valuation, so far only a sum of Rs. 3942.13 crores has been transferred upto 31<sup>st</sup> July, 2018 from the EPF administrative account to bridge the deficit. In future, we may need to withdraw a lump sum amount from Public Account (Major Head-8012-Special Deposit) to make-up for the shortfall in the said fund as well as to make good the estimated shortfall as mentioned in para (b) above. Therefore, instead of generating surplus, EPFO will start withdrawing from the corpus of EPF Scheme Administrative Fund which is Rs. 21,653.58 crores as on 31.03.2018.
- d) Another valuation of the Staff Pension-cum-Gratuity Fund Account has become due and assumes significance for hike in pension benefits with the implementation of Cadre Restructuring and 7<sup>th</sup> Central Pay Commission.
- e) EPFO has an assessed service tax liability of Rs. 1308 crores, which has been contested before the Custom Excise and Service Tax Appellate Tribunal at New Delhi.
- f) A recruitment drive has also been initiated to fill up the vacant posts across cadres. Nearly one-third of the sanctioned strength is vacant. The recommendations of 7<sup>th</sup>



Central Pay Commission as well as Cadre Restructuring have been implemented in EPFO and the expenditure would play out from the current year itself.

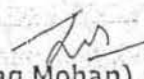
4. In view of the above, any further reduction in administrative charges would plunge the cash-flow in the negative and would impair the working of the Organisation since the expenditure may exceed the income during the current year itself. Therefore, any further proposal for reduction in administrative charges may be deferred at this stage.

5. However, the following proposal can be considered for immediate relief to the employers by abolishing following charges (prevailing at present) with the approval of CBT, EPF:-

- i) The payment of Inspection Charges by employers of the Exempted Establishments under EDLI Scheme, 1976;
- ii) The payment of minimum administrative charges of Rs. 75 per month for every non-functional establishment having no-contributory members and Rs. 500 per month for other establishments.

(This has approval of the Competent Authority).

Yours faithfully,

  
(Jag Mohan)  
Addl. CPFC (HQ)- Finance



कर्मचारी भविष्य निधि संगठन  
**Employees Provident Fund Organisation**  
 श्रम एवं रोजगार मंत्रालय) भारत सरकार  
 (Ministry of Labour and Employment, Govt of India)  
 मुख्य कार्यालय / HEAD OFFICE



भविष्य निधि भवन, 14 भीकाजी कामा प्लेस नई दिल्ली  
 Bhavishya Nidh Bhawan, 14 Bhikaiji Cama Place, New Delhi-110066

No. HRM-II/NFU/181(1)13/pt. /960

Date:

To

03 JAN 2020

The Secretary  
 Ministry of Labour & Employment  
 Shram Shakti Bhawan  
 New Delhi

(By name to: Sh. Samir Kumar Das, Under Secretary, SS-I)

**Subject: Non-Functional Upgradation of Group 'A' Officers of EPFO in different Grades as per their eligibility- regarding.**

**Reference: Ministry's letter No. A-11015/2/2012-SS.I dated 15.02.2019.**

Sir,

Please refer to Ministry's letter dated 15.02.2019 under reference wherein it has been informed that the proposal for grant of NFU to Group A officers of EPFO could not be approved as the same is applicable to the officers of Organized Group-A Services.

2. In this regard, it is to reiterate that the sixth pay commission recommended grant of Non Functional Upgradation to the officers of the Organized Group A Services and this recommendation has been accepted by Government of India vide resolution No.1/1/2008-IC. The Central Board, EPF in its meeting held on 18.09.2008 had adopted this resolution in its entirety for implementation of the accepted recommendations to its officers and staff. The service conditions of the officers & staff may be decided by CBT as per section 5D(7)(a) of the Act.

"5D. Appointment of officers. -

(7) (a) The method of recruitment, salary and allowances, discipline and other conditions of service of the Additional Central Provident Fund Commissioner, Deputy Provident Fund Commissioner, Regional Provident Fund Commissioner, Assistant Provident Fund Commissioner and other officers and employees of the Central Board 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:

Provided that where the Central Board is of the opinion that it is necessary to make a departure from the said rules or orders in respect of any of the matters aforesaid, it shall obtain the prior approval of the Central Government."

3. Accordingly a proposal was sent to Ministry of Labour & Employment vide letter No. HRD/3(1)/NFU/193 dated 02.05.2012 (Annexure-I), justifying grant of NFU in PB-3 & PB-4 to Group A Officers of EPFO upto the Grade Pay of Rs. 10000/- for constitution of the Secrening Committee for considering the eligible cases of NFU. It was also explained as per



para 5 of the letter dated 02.05.2012 that as per the order of Hon'ble High Court of Punjab and Haryana vide its order dated 12.05.2011 in C.W.P No. 8438/2011 upheld the order of the Hon'ble CAT, Chandigarh Bench dated 25.02.2011 in O.A No.400/HR/2010 observing that no permission from the Central Government would be required for grant of NFSG benefits as was approved by the Central Board. Hon'ble High Court had referred to the provisions of Section 5D(7) of EPF & MP Act, 1952 and had observed that the Central Board of Trustees was not required to seek prior approval of the Central Government in a case where there was no departure from the rules or order.

4. In response, Ministry vide letter No. A-11015/2/2012-SS.I dated 19.09.2012(Annexure-II) communicated the following:

*"I am directed to refer to EPFO letter No. HRD/3(1)/2012/NFU/193 dated 02.05.2012 on the above mentioned subject and to inform that the Screening Committee for grant of non functional upgradation to the officers in PB-3 and PB-4 in EPFO has been constituted as under:-*

Secretary (L&A)	-Chairman
Addl. Secretary (L&E)	-Member
Central P.F Commissioner	-Member

*In view of the above it is requested to send the list of eligible officers for grant of NFU indicating dates of their eligibility, their ACRs, their grading in tabulated form and vigilance clearance to this Ministry latest by 27<sup>th</sup> September,2012, to enable the Ministry to take further action in the matter."*


5. Since the Ministry had conveyed to EPFO for forwarding the list of eligible officers for grant of Non Functional Upgradation with relevant papers and vigilance clearance, the proposal was forwarded to Ministry with the report of Senior Officers Committee alongwith the relevant documents for convening the meeting of Screening Committee vide this office letter dated 11.01.2018 (Annexure-III).

6. Subsequently Ministry vide its letter dated 15.03.2018(Annexure-IV) in the context of NFU had sought the detailed background of CAT case and CWP No. 8438/2011 related to the matter of Non Functional Selection Grade and the said observations was clarified vide EPFO letter dated 29.08.2018(Annexure-V) and the relevant information were also forwarded to the Ministry.

7. It is also pertinent to mention that legal opinion was sought from the panel advocate in the matter of NFSG. The panel advocate while giving opinion has discussed at length regarding Organized and Un-organized services(copy enclosed).

8. In view of the facts, it is requested to re-consider the matter in light of the statutory powers conferred upon the Central Board for determining the service conditions of the officers and employees of the Central Board. The Central Board had adopted the recommendations of the 6<sup>th</sup> CPC and NFU is a integral part of the recommendations.

Enclosed : As Above

  
(Brijesh Kumar Mishra)  
Regional P.F Commissioner-I (HRM)

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अतिरिक्त सचिव (श्रम एवं रोजगार) का कार्यालय  
Office of Additional Secretary (L&E)  
डायरी सं०/Dy./FTS No. 482779  
दिनांक/Date 02/03/2020

Telephone: (011)26197023  
FAX : (011) 26100166



कर्मचारी भविष्य निधि संगठन  
Employees' Provident Fund Organisation  
(श्रम एवं रोजगार मंत्रालय, भारत सरकार)  
(Ministry of Labour & Employment, Government of India)



मुख्य कार्यालय/Head Office  
भविष्य निधि भवन, 14, भीकाएजी कामा प्लेस, नई दिल्ली-110066  
Bhavishya Nidhi Bhawan, 14, Bhikaiji Cama Place, New Delhi-110066  
Website: [www.epfindia.gov.in](http://www.epfindia.gov.in), [www.epfindia.nic.in](http://www.epfindia.nic.in)

No. HRM-I/D-18(1)2014/pt.II / 4

Dated: 28/02/2020

To,

28 FEB 2020

Smt Anuradha Prasad  
Additional Secretary (L&E)  
Ministry of Labour & Employment  
New Delhi

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2/3

Dir (KB)

**Sub: Report of committee to facilitate decision on the issue of grant of Non-Functional Selection Grade (NMSG) to RPFC-I in EPFO**

Madam,

Please refer to the four-member committee report on the subject cited above submitted to me for my signature. In this regard, CBT, EPF has already taken a stand that NMSG is applicable to the RPFC-I cadre as per the 'Organizational and Cadre Restructuring Report' duly passed by the board and approved by the government and the same was implemented in EPFO with effect from 27.12.2016. Accordingly, the Ministry was also requested to communicate a suitable date to convene the meeting of the Screening Committee for grant of NMSG which is chaired by Secretary (L&E) with Addl. Secretary (L&E) and the undersigned as members vide letter dated 04/07/2018 (letter placed as **Annexure-I**).

On the aforementioned lines, an affidavit, duly vetted by the Ministry, was filed by the undersigned before the Hon'ble CAT, Chandigarh on 09/12/19 in the contempt petition of Rakesh Kr. and others vs. UOI and others (**Annexure-II**). The decision in the matter is now pending with the Ministry.

In view of the above, if the undersigned becomes a signatory of the report, it will be contrary to the stand taken in the aforesaid affidavit. Hence, the undersigned may be recused from signing the report. Accordingly, the original report is returned herewith.

Yours faithfully,

*Sunil Barthwal*  
(Sunil Barthwal)

Central Provident Fund Commissioner

Enclosure: Committee's report in original

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F. No. A-12018/02/2018-SS-I(Pt.)  
Government of India  
Ministry of Labour & Employment  
\*\*\*\*\*

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Shram Shakti Bhavan, Rafi Marg,  
New Delhi, dated 04 December, 2019.

To

The Central Provident Fund Commissioner,  
Employees' Provident Fund Organization,  
Bhavishya Nidhi Bhawan,  
14, Bhikaji Cama Place,  
New Delhi-110 066.

Sub.: **In the matter of OA no. 060/00126/2019 filed by Sh. Rakesh Kumar and Others vs Union of India and Ors. Regarding granting Non Functional Selection Grade-reg.**

Sir,

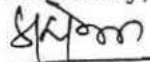
I am directed to refer to EPFO's letter no. HRM-I/D-18(1)2014/824 dated 19.11.2019 and letter no. HRM-I/D-18(1)2014/877 dated 27.11.2019, on the subject mentioned above and to say that the draft short reply sent by EPFO to this Ministry for vetting was referred to Department of Legal Affairs of the Ministry of Law and Justice.

2. The advice tendered by the Department of Legal Affairs along with draft reply, is returned herewith for taking appropriate action. While taking further action it may be ensured that all the corrections are incorporated in the final reply and the contents therein are factually correct. EPFO is also requested to ensure that the final reply meets with their intentions and requirements.

3. However, it is informed that the main file dealing with the grant of NFSG to the officers of EPFO was referred to Department of Expenditure through IFD of the Ministry on 08.11.2019 and is presently with them.

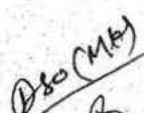
4. This issues with the approval of the Secretary (L&E).

Yours faithfully,

  
(S. K. Das)

Encl. as above.

Under Secretary to the Government of India



बृजेश कुमार मिश्रा  
BRIJESH K MISHRA  
क्षेत्रीय भविष्य निधि आयुक्त -I  
Regional P.F. Commissioner-I

Diary No. E-34031  
Date 5-12-19  
R.P.F.C.-I' (HRM)

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**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
CHANDIGARH BENCH, CHANDIGARH**

**C.P. No. 060/0119/2019**

**In**

**O.A. No. 060/0126/2019**

**Rakesh Kumar and Others**

**Petitioners**

**Versus**

**Shri Santosh Gangwar and Another**

**Respondents**

**Short Reply by way of Affidavit of Sunil Barthwal , IAS,  
Central Provident Fund Commissioner, EPFO, New Delhi  
(Respondent No.2).**

I, the above named deponent, solemnly affirm and declare as under

1. That the petitioners in the present Contempt Petition have alleged non-compliance of the order/directions dated 08.02.2019 passed by this Hon'ble Tribunal in the aforementioned O.A. Said O.A was disposed of in limine with a direction to the respondent authorities to consider and decide the indicated representations of the Original Applicants (present petitioners) while taking into consideration the



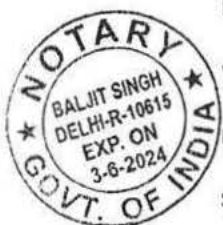
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ratio laid down in A.K. Chandok Vs UOI and Others (O.A No. 400/HR/2010 decided earlier vide order dated 25.02.2011). The needful was to be done within a period of two months. If upon such consideration, the applicants/present petitioners are found similarly situated to the applicant in the relied upon case, the relevant benefits are to be granted to them, otherwise a reasoned and speaking order is required to be passed thereon, with a copy to the applicants. Said disposal of the matter is not to be construed as an expression of opinion on the claimed merits of the case.

2. That the Head Office of the respondent EPFO vide letter No. HRM-I/D-18(1)/2014/980 Exam.9 (1) dated 11.04.2019 asked/authorized local EPF Office, Chandigarh to seek further period of two months from this Hon'ble Tribunal for reporting compliance of the directions contained in the aforesaid order dated 08.02.2019. In this regard it may be mentioned that in response to a proposal for convening Screening Committee for NFSG, the respondent Ministry of Labour and Employment, Government of India had forwarded a clarification received from the Department of Personnel and Training (DOPT) on the admissibility of NFSG only to Organized Group 'A' Services. Hence the matter had been referred to said Ministry on 08.04.2019 for deciding further course of action in terms of the order dated 08.02.2019 passed by this Hon'ble Tribunal.

3. That in order to properly examine all attending facts and circumstances arising out of said consultations in the matter with the Ministry of Labour and Employment, Government of India, further time was required by the respondent EPFO to take necessary action as mandated by this Hon'ble Tribunal vide order dated 08.02.2019. As such M.A No.060/663/2019 was filed seeking extension of time of two



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months to implement the orders/directions passed by this Hon'ble Tribunal. Said M.A came up for hearing on 22.04.2019 when this Hon'ble Tribunal was pleased to grant further time of two months after expiry of the earlier time limit.

4. That thereafter, another application M.A No. 60/997/2019 seeking two months further time to report compliance of the order/directions dated 08.02.2019 was filed on behalf of the respondent EPFO wherein additional details/developments were sought to be placed on record. Said application remains pending for further consideration and is next listed for hearing on 09.12.2019. The contents therein are not being repeated for the sake of brevity.
5. That it is a matter of record that the order dated 25.02.2011 passed by this Hon'ble Tribunal in the aforementioned O.A filed by Sh. A.K. Chandok was affirmed by the Hon'ble Punjab and Haryana High Court vide order dated 12.05.2011 passed in CWP No. 8438/2011. Accordingly, NFSG to the extent of 15% of the number of Senior Duty Posts was granted w.e.f 13.08.1999 i.e. date of approval of the same by the Executive Committee, CBT, EPF. It was also decided that the NFSG be granted to the extent of 30% of the number of Senior Duty Posts as approved by the EC, CBT, EPF to be implemented w.e.f date of approval by the EC i.e. 14.07.2011.
6. That, however, some subsequent developments have lent some inadvertent complications with regard to the applicability of NFSG. In 2013-14, an audit para was raised by the Audit Party of the DGACR while conducting audit at Head Office under the caption of " Irregular grant of NFSG in EPFO". Audit Party had observed that NFSG cannot be granted when both functional and non-functional grade as well as



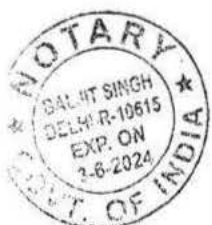
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selection grade post (Addl. CPFC) co-exist in the Organization. The said audit para raised by DGACR were placed before the Executive Committee, CBT in 82<sup>nd</sup> meeting held on 20.08.2015 and the Executive Committee had decided that the matter of grant of NFSG may be referred to the Ministry of Labour and Employment, Government of India for detailed examination.

7. That meanwhile an Organizational and Cadre Restructuring was implemented in EPFO w.e.f 27.12.2016 in the light of approval granted by CBT, EPF followed by the approval of Central Government, wherein one of the recommendation was to merge the functional grade of Rs. 8700/- with grade pay of 8900/-. Thereafter Ministry vide letter No. A-26022/1/2017-SS.I dated 07.08.2017 had communicated (referring the meeting held in the chamber of the then Hon'ble Minister of Labour & Employment on 02.08.2017) that it was decided to delink the cases of NFSG granted prior to Cadre Restructuring (on which audit para was raised ) from the cases due after the cadre restructuring on 27.12.2016, where the anomaly of existence of functional grade (GP 8700) was removed.

8. That a further audit observation was raised by the DGACR on grant of NFSG and a reply was sent vide letter dated 03.07.2018 explaining that the functional grade in Rs. 8700 has been abolished. A new grade of Addl. CPFC in Rs. 8900 was created by the Central Board and revised Recruitment Rules for the post of Addl. Central P.F Commissioner in Level 13-A of Pay Matrix with grade pay of Rs. 8900 have been notified on 16.03.2018.



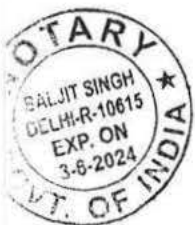
It may be seen DGACR in its Audit Findings observed that " The Central Board of EPFO vide office order No. HRM-I/D-1(1)2017/CR/26417 dated 13.01.2017 has been granted the powers to

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create posts up to the level of Joint Secretary of Government of India, clearing the way for further grant of NFSG in EPFO."

9. That a reply was also sent to MoL&E vide letter dated 04.07.2018 endorsing a copy of the reply given to DGACR. The Ministry of Labour & Employment, GOI was requested to communicate a suitable date to convene the meeting of the Screening Committee which is chaired by Secretary(L&E) with Addl. Secretary (L&E) and the present deponent as members. Pursuant to the order dated 08.02.2019 passed by this Hon'ble Tribunal and in continuation to the communication dated 08.04.2019 referred above, the issue has repeatedly been taken up with Ministry of Labour & Employment vide EPFO's letter dated 02.05.2019, CPFC's D.O. letters dated 14.06.2019 and 16.07.2019 , letter dated 09.08.2019, letters dated 29.08.2019 , 06.09.2019 , 12.09.2019 , 17.09.2019 and letter dated 26.09.2019 . The Ministry in turn vide its letter dated 17.09.2019 has informed that the matter has been referred to DoPT for advice.

10. That a perusal of the above stated factual position will show that the respondent EPFO has diligently and with complete sincerity taken all necessary steps towards implementation/compliance of the order/directions dated 08.02.2019 passed by this Hon'ble Tribunal. In view of the developments that have taken place subsequent to the implementation of the judicial order/s passed in A.K. Chandok's case (supra), as stated above, it is imperative that the respondent authorities revisit all relevant aspects pertaining to grant of NFSG before arriving at a final decision in that regard. As has also been stated hereinabove, the matter remains under active consideration of the Ministry of Labour and Employment, Government of India and presently is with Ministry of Finance.





11. That the EPFO as an organization holds all orders and directions passed by this Hon'ble Tribunal in the highest esteem and will never deliberately disobey or circumvent them in any manner. All necessary efforts are being made to report compliance of the aforementioned order/directions dated 08.02.2019, in letter and in spirit, in a time bound manner.

NEW DELHI

DATED: 6.12.19

**DEPONENT**

सुनील बड़वाल, भा.प्र.से./SUNIL BARTHWA, I.A.S.  
केन्द्रीय म. नि. आयुक्त/Central P. F. Commissioner  
कर्मचारी भविष्य निधि संगठन  
Employees' Provident Fund Organisation  
(श्रम एवं रोजगार मंत्रालय, भारत सरकार)  
(Ministry of Labour & Emp., Govt. of India)  
14, भीकाजी कामा प्लेस, नई दिल्ली-110066  
14, Bhikaji Cama Place, New Delhi-110066

**VERIFICATION:**

I, hereby verify that the contents of para nos. 1 to 11 of the Short Reply by way of Affidavit above are true and correct, as derived from the official record and that nothing material has been suppressed therefrom.

NEW DELHI

DATED: 6.12.19

**DEPONENT**

सुनील बड़वाल, भा.प्र.से./SUNIL BARTHWA, I.A.S.  
केन्द्रीय म. नि. आयुक्त/Central P. F. Commissioner  
कर्मचारी भविष्य निधि संगठन  
Employees' Provident Fund Organisation  
(श्रम एवं रोजगार मंत्रालय, भारत सरकार)  
(Ministry of Labour & Emp., Govt. of India)  
14, भीकाजी कामा प्लेस, नई दिल्ली-110066  
14, Bhikaji Cama Place, New Delhi-110066



SWORN BEFORE ME

**ATTESTED**

BALJIT SINGH  
NOTARY, DELHI-R-10615  
GOVERNMENT OF INDIA  
10-3, MOHTA BUILDING,  
CHANDNOKH, DELHI-110058

Notarial Book No.	01
Page No.	45
Entry Serial No.	341/19

06 DEC 2019

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कर्मचारी भविष्य निधि संगठन  
(श्रम एवं रोजगार मंत्रालय, भारत सरकार)  
Employees' Provident Fund Organisation  
(Ministry of Labour & Employment, Govt. Of India)



मुख्य कार्यालय / Head Office  
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Bhavishya Nidhi Bhawan, 14-Bhikaji Cama Place, New Delhi-110066  
[www.epfindia.gov.in](http://www.epfindia.gov.in)

No. HRM-I/D-18(1)2014/587

Dated: 04<sup>th</sup> July 2018

To

The Secretary  
Ministry of Labour & Employment,  
Shram Shakti Bhawan,  
New Delhi.

04 JUL 2018

[By Name to: Sh. Samir Kumar Das, Under Secretary (SS-I)]

**Subject: Granting of NFSG to the cadre of Regional P.F. Commissioner, Gr.-I-reg.**

Sir,

I am directed to invite a reference of Ministry of Labour & Employment letter No. F.No.A-12018/2/2018-SS.1 on the above subject forwarding therewith observations of IFD in the matter as follows:

"SMD may be requested to link the file vide which the proposal for grant of NFSG was earlier examined in IFD and approval of this Ministry was conveyed for the same. SMD may also indicate the status regarding dropping of the said Audit para. Also, SMD has not listed the reason for seeking approval for grant of NFSG to RPFC-I when this Ministry has already approved it. SMD may submit the proposal alongwith functional justification for the proposal. SMD may also clarify whether the proposal again require administrative approval from CBT, EPF?"

2. It is stated that the observation of the IFD has to be primarily replied by the SS Division as the reply to the said observation is with reference to the subject matter file on which the proposal was examined by the SS Division and has to be linked. The EPFO has been conveyed sanction of the Government vide letter No. A-11013/1/2004-SS-1 dated 30.01.2006 (copy enclosed as Annexure-I) which is relevant subject matter file.

3. However, the comments of the EPFO to the observation of the IFD are as under:

Sl.No.	Observation	Comments
1	SMD may be requested to link the file vide which the proposal for grant of NFSG was earlier examined in IFD & approval of the Ministry was conveyed for the same	(i) The EPFO has been conveyed the sanction of the Government for operating NFSG in the Commissioner's cadre with approval of Hon'ble Minister for Labour & Employment/Chairman, CBT, EPF and that 29 posts of RPFC-I in EPFO shall be operated in NFSG in the scale of Rs. 14300-18300/- with immediate effect. It was further directed that necessary action may be taken immediately under intimation to the Ministry.



		<p>(ii) The said order has been conveyed with reference to EPFO Headquarters letter No. HRD/4(4)2001/1443 dated 23.11.2005. It may be mentioned that the EPFO letter dated 23.11.2005 is a reply to MoL&amp;E letter No. A-11013/12004/SS-1 dated 05.10.2005 wherein it has been mentioned that the said proposal was referred to IFD Division who had made 05 (five) observations on the proposal and it was directed that the issues raised by the IFD may be clarified and proposal examined accordingly.</p> <p>(iii) It may be seen from the above that the proposal for grant of NFSG to the cadre of RPFC-I had been referred to the Integrated Finance Division in the Ministry and their observations were communicated thereon to EPFO. The EPFO had sent a detailed reply to the observations vide letter No. HRD/4(4)2001/1443 dated 23.11.2005. On consideration of this detailed reply, the Government had communicated the sanction of Hon'ble LEM/Chairman, CBT. A copy of the MoL&amp;E letter dated 05.10.2005 and EPFO letter dated 23.11.2005 are enclosed at <u>Annexure-II &amp; III</u> respectively.</p>
2	SMD may also indicate the status regarding dropping of said Audit para.	<p>(i) The Inspecting Team of the DGACR had raised an Audit Para during current audit Par-II(A) inspection for the year 2013-14 at EPFO Headquarters. The relevant records relating to the NFSG was provided to the Audit Party while it had raised the observations and subsequently reply to the said audit para was provided to the office of DGACR vide D.O. letter No. HRM-I/Misc./RC-I/2010/15281 dated 12.09.2016 followed by reminder dated 01.12.2016 to consider the reply of the Organisation with a request to drop the said audit para. The O/o DGACR had given a reply that the said reply to the audit para may be provided to the Inspecting Team during their subsequent audit along with relevant records and thereafter the matter will be considered. During their subsequent visit to EPFO Headquarters, the Inspecting Team was provided a brief reply along with the relevant records and a discussion was also held with the Inspecting Team on 23.03.2017 in the presence of Director (AMG-IV), DGACR.</p> <p>(ii) The Inspecting Team had raised Audit Memo No. 30 dated 03.03.2017 and a reply was given to the <u>Inspecting Officer</u> on 10.03.2017. A copy of the Memo No. 30 as well as reply to audit Memo is enclosed at <u>Annexure-IV</u>. Subsequently, while concluding the audit, the Inspecting Team raised another Special Audit Memo No. 1 dated 10.03.2017 raising fresh observation as follows:</p> <p>(a) As per the basic feature of Non -Functional Selection Grade (NFSG) in Group A Central Services, functional and non functional both posts cannot co-exist and where the scale of Rs. 14300-18300/- exists as part of the cadre structure on functional basis will not be eligible to have non-functional Selection Grade unless the Cadre</p>

Controlling Authorities decide to do away with the functional Selection Grade. Scrutiny revealed that at the time of implementation of NFSG, there exists functional grade scale of Rs. 14300-18300/-. It may be informed that whether any decision in respect of doing away the existing functional grade scale of Rs. 14300-18300 has been taken by the controlling authority. If yes, a copy of the same may be provide to audit urgently.

- (b) Action taken by the authority in respect of the recovery of payment in excess of pay and allowances due to irregular grant of NFSG from the concerned officials may also intimate to audit.
- (c) Details of officers who had been granted NFSG during the period 13.08.99 till date along with the detail of amount paid may also be furnished to audit urgently.
- (iii) A further reply was handed over to the Inspecting Officer to Special Audit Memo No. 1 vide Note dated 15.03.2017. A copy of the Special Audit Memo No. 1 as well as the reply is placed at Annexure-V.
- (iv) It is stated that the DGACR has not dropped the audit para so far and a fresh audit para has been raised in their report in "Part-II-Audit Findings, Part-II(A), Para-1: "Irregularity Grant of NFSG".
- (v) The said audit para contains observations made afresh by the DGACR and a fresh reply has been sent to the DGACR letter No. HRM-I/Misc./2017/audit Para/6299 dated 03.07.2018 under intimation to MoL&E (Copy placed at Annexure-VI). It may be pertinent to mention in the said para, the DGACR has inter-alia observed at the conclusion of the para that the Central Board of EPFO vide Office Order No. HRM-I/D-1(1)2017/CR/26417 dated 13.01.2017 has been granted the powers to create posts upto the level of Joint Secretary to Government of India clearing the way for further grant of NFSG in EPFO.
- (vi) It may also be stated that the MoL&E had earlier responded vide letter No. A-26022/1/2017-SS-I dated 07.08.2017 citing the meeting held in the Parliament in the Chamber of Hon'ble Minister of Labour & Employment on 02.08.2017 wherein the matter regarding grant of NFSG post cadre restructuring was discussed and it was decided to delink the cases of NFSG granted prior to Cadre Restructuring from the cases due after the cadre restructuring on 27.12.2016 and to process the cases of NFSG accordingly as per the sanctioned strength in cadre restructuring dated 27.12.2016.

3.	Also, SMD has not listed the reason for seeking approval for grant of NFSG to RPFC-I	(i) The proposal does not again require the administrative approval of CBT, EPF. All the requisite approvals are available on record. The matter was referred to MoL&E for
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<p>when this Ministry has already approved it. SMD may submit the proposal alongwith functional justification for the proposal. SMD may also clarify whether the proposal again require administrative approval from CBT, EPF?</p>	<p>seeking administrative approval of Chairman CBT, EPF/Hon'ble LEM in his capacity as the Appointing Authority to allow NFSG to eligible officers in view of the audit observations.</p> <p>(ii) The Central Board (EPF) has the competence, under Section 5D (7) (a) of the Act under the powers conferred by Section 5D, the Central Board of Trustees is competent to determine the service conditions of the officers and staff and in accordance with the rules and orders as applicable to the officers and staff of the Central Government drawing corresponding scales of pay. In case, the Board is of the opinion that is necessary to make a departure from the said rules or orders, it shall obtain prior approval of the Central Government. Accordingly the grant of NFSG to the officers of EPFO, has been implemented after receiving the express approval of the Government and according to Section 5D (3) read with Para 22A of 1952 Scheme the Board has power to appoint officers upto the level of Joint Secretary to Govt. of India.</p>
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4. A reply to the fresh audit observation vide Para-1 in Part-II "Audit Findings" of the report for the year 2016-2017, a reply has since been sent to Director (AMG-IV) under intimation to the Ministry vide letter No. HRM-I/Misc./2017/audit Para/6299 dated 03.07.2018. A copy of the reply is also enclosed herewith. It is further submitted that the Recruitment Rules for the post of Addl. CPFC in the Level-13A of Pay Matrix, (PB-4 in Grade Pay of Rs. 8900/- pre-revised) have been notified vide HRD/5261/RR Commissioner Cadre/1613/2018 and all the existing Addl. CPFC-II have been placed in the revised Grade Pay of Addl. CPFC vide Office Order dated 06.04.2018 and therefore the observations of Audit is no longer valid with effect from the date of notification of the rules. As such, NFSG can be considered effective from the date of notification of the rules. In view of the same the Ministry may consider the comments of EPFO on the observation of the IFD as stated above to process the matter of grant of NFSG in the cadre of RPFC-I from the date of notification of the Recruitment Rules. As per the existing procedure a Screening Committee consisting of Secretary (L&E) as Chairman, Addl. Secretary (L&E) and CPFC as members has to be convened. The Ministry of Labour & Employment may indicate a suitable date and time to convene the meeting of the Screening Committee at an early date. The detailed agenda for the meeting will be sent separately.

5. This issues with the approval of the Central Provident Fund Commissioner.

Yours faithfully,

Enclosures: Annexure-I to VI

  
 (Sanjay Bisht)  
 Regional P.F. Commissioner-I (HRM)

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