



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

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**July 26<sup>th</sup>, 2024**

**To,**

**Secretary,  
Department of Legal Affairs,  
Government of India,  
NEW DELHI**

**Subject: Legal discrepancies in draft Employees' Provident Fund (Staff and Conditions of Services) Regulations, 2024 pending with DoLA for legal vetting - regarding**

**Sir,**

It is submitted that the Central Board of Trustees (CBT), EPF in its 235<sup>th</sup> meeting held on 10.02.2024 at New Delhi had approved **Tabled item no.17: Amendment of Employees' Provident Fund (Officers and Employees' Conditions of Services) Regulations, 2008**. Now, these draft regulations have been sent by Ministry of Labour & Employment to Department of Legal Affairs for vetting. However, it is brought to your notice that the said draft regulations suffer from some serious legal discrepancies, as submitted below.

2. Section 5-D(4) of the EPF & MP Act, 1952 is reproduced as below,

*5-D (4). No appointment to the post of the Central Provident Fund Commissioner or an Additional Central Provident Fund Commissioner or a Financial Adviser and Chief Accounts Officer or any other post under the Central Board carrying a scale of pay equivalent to the scale of pay of any Group 'A' or Group 'B' post*

*under the Central Government shall be made except after consultation with the Union Public Service Commission:*

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

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

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

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

*(ii) in the service of the Central Government or a*

*State Government or the **Central Board in a***

***Group 'A' or Group 'B' post.***

2. Thus, the classification of the officers of Central Board, EPF into Group A & B is an essential part of the EPF & MP Act 1952. Furthermore, same classification is also mentioned in Section 14(5) of the recently promulgated Code on Social Security, 2020. Rules and orders governing such officers and employees have to accordingly mirror those applicable to central government employees drawing corresponding scales of pay. The classification of posts in EPFO has been specified accordingly since 1962. However, the classification of posts as Group A/B/C has been removed in the draft regulations as per erroneous advice of DoP&T. As per file notings of DOP&T in this regard (DOP&T File No. Misc-14017/34/2022-Estt. (RR) dated 05.10.2023 obtained through the RTI Act) It is seen that the DOPT has erroneously recorded in its files that "Since no classification is mentioned and only scale of pay is equivalent to Group A/B posts of Central Government" the classification "Group A / B" cannot be used in EPFO. The advice of DoP&T regarding classification of posts in EPFO is thus defective and borne of wrong reading of the statute.

3. Furthermore, EPFO Head office vide letter dated 25.07.24 (copy enclosed) has published draft Recruitment Rules for the post of Programmer for inviting comments from stakeholders. In the said Draft RR, the classification of posts has been given as Equivalent to Group 'B' posts under Central Government with corresponding scale of Pay. Thus, it seems that though the department presently has agreed that classification of posts in EPFO cannot be removed but on the contrary in the above mentioned agenda no.17 approved in 235th CBT meeting the classification of posts has been removed in the draft service regulations of EPFO.

4. As per the agenda approved by CBT, EPF (copy enclosed), the posts of CPFC, FA&CAO, CVO and deputation posts of ACC (HQ) have been removed from the lists of posts in EPFO which is against the provisions of EPF & MP Act, since as per the Act the CBT, EPF is the appointing authority for the post of Additional Central Provident Fund Commissioner (ACC), i.e. for upto posts equivalent to Joint Secretary to the Government of India. Therefore, deputation posts of ACC(HQ) cannot be excluded to be a post outside EPFO, i.e. beyond the power of appointment by CBT.

5. In EPFO administrative structure, Section Supervisor/ Social Security Assistant/ MTS etc. are state cadres for all purposes like seniority, promotion etc. and have transfer liability within a state being Group B/C cadres. However, now with proposed removal of A/B/C classification, they will have all India transfer liability as per draft regulations and therefore cannot function as state cadres which will lead to complete destruction of EPFO structure.

6. Without classification of posts, reservations for SC/ST/OBC/PwD etc. cannot be applied as reservation provisions differ for Group A/B/C and the same have also not been clarified by DoP&T when a reference regarding the same was made by Ministry of Labour & Employment as per information available under RTI Act.

7. As per first Schedule of draft regulations, before notification of regulations, the actual number of canteen employees is to be intimated by Central Provident Fund Commissioner to Ministry of Labour & Employment.

8. As per the draft regulations, in case of Enforcement Officer/Account Officer, Regional PF Commissioner (Officer in Charge) is the disciplinary authority for minor penalties, but for lower level posts of Section Supervisor and Social Security Assistant, Regional PF Commissioner (Zonal office) is the Disciplinary Authority, thus lower posts will be beyond the disciplinary control of RPFC(OIC) who will be responsible for their performance which will create functional issues.

9. Since above critical discrepancies need to be rectified before the regulations are notified, therefore, it is requested that your good office may take necessary action for rectification of the same with concerned authorities.

Thanking you.

Yours sincerely,



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

Copy to:

All Hon'ble Members, CBT, EPF