



**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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**January 28<sup>th</sup>, 2025**

**To,**

**Shri Ramesh Krishnamurthy, IRS,  
Central P.F. Commissioner,  
Employees' Provident Fund Organisation,  
NEW DELHI 110023**

**Subject: Denial of NFU to Group A officers in EPFO –  
OA No. 783/2024 titled EPFOA & Ors. vs. UOI & Ors.  
pending before Hon'ble CAT, Chandigarh – filing of  
affidavit by EPFO in above matter - regarding**

**Sir,**

As has been submitted to you earlier by the EPF Officers' Association (EPFOA), grant of Non-Functional Upgradation (NFU) is an extremely important service-related matter for all EPF commissioners' cadre officers. As this matter has been pending since very long and you may not be fully aware of the background, therefore, kindly grant us the liberty to briefly summarise the timeline of this issue, as below,

- Non-Functional Upgradation (NFU) was part of the recommendations of the 6<sup>th</sup> CPC that was accepted by the GoI for its employees.
- Since the GoI rules are not *suo-motu* applicable on EPFO employees, the CBT, EPF in its special meeting

- held on 18.09.2008 adopted the recommendations of 6<sup>TH</sup> CPC in toto for its employees, this was communicated vide EPFO HO letter no. HRD/1(2)/2008/6<sup>TH</sup> CPC/38045 dated 19.09.2008 (copy attached for kind reference).
- As NFU was also accepted as part of the 6<sup>TH</sup> CPC recommendations by CBT, EPF, the then CPFC requested the MoL&E vide EPFO HO letter dated HRD/3(1)//2012/NFU dated 02.05.2012 (copy attached for kind reference) to constitute a committee for consideration of eligible cases for grant of NFU in EPFO as per DOP&T OM AB.14017/64/2008-Estt.(RR) dated 24.04.2009.
- In response, the MoL&E vide letter no. A-11015/2/2012-SS-I dated 19.09.2012 (copy attached for kind reference), intimated the screening committee has been constituted and called for list of eligible officers for grant of NFU indicating their date of eligibility, ACRs, gradings and VCC to enable the Ministry to take further necessary action in the matter. The MoL&E thereafter issued reminders to EPFO vide letters dated Z-20025/04/2013-Admn.I dated 06.02.2013 and 08.03.2013 (copies attached for kind reference).
- In response, EPFO constituted a committee of officers for recommending the eligible officers in accordance with NFU provisions vide EPFO HO order no. HRM-II/NFU/181(1)13/Pt.I/Vol.I dated 10.01.2017 (copy attached for reference). The said committee submitted its report on 21.07.2017.
- Now, the entire issue took a U-turn and the MoL&E vide letter no. A-11015/02/2012-SS-I dated 15.02.2019 stated that the issue of grant of NFU has been examined in consultation with DOP&T who is of view that their instructions vide above referred OM dated 24.04.2009 are applicable to the officers of organised Group A services under the Central Government, and consequently not applicable for EPFO.

2. Now that the above timeline has been clarified, kindly allow us to explain as to why above decision of MoL&E is blatantly *ultra vires* as per earlier as well as subsequent judicial decisions, and also how even the MoL&E has later revised its earlier decision on the issue of organised Group A service.

3. In *AK Chandhok vs. UoI & Ors.* (OA No.400-HR of 2010), the Hon'ble CAT, Chandigarh has already held that CBT, EPF is the competent authority to decide the service conditions of EPFO employees and *the prior approval of Government is envisaged only when the Board recommends a departure from the general principle of parallel/applicability*. The said orders of Hon'ble CAT were challenged by EPFO before Hon'ble Chandigarh High Court, which also ruled against EPFO, and thereafter the MoL&E, based on legal opinion of ASG, decided not to challenge the same before Hon'ble Supreme Court.

4. Secondly, the grant of NFSG to EPFO officers was also denied earlier by the MoL&E on exactly same excuse of organised Group A service. In fact, both the issue of NFSG & NFU were referred by the MoL&E to the DOP&T. Initially, the DOP&T vide comments dated 27.11.2018 on MoL&E file no. A-12018/2/2018-SS-I had stated that instructions issued by DOP&T are not suo-motu applicable on autonomous bodies (copy attached for kind reference). The EPFOA was forced to take legal recourse in the matter of NFSG and approach Hon'ble CAT, Chandigarh. The DOP&T thereafter tweaked its stand vide comments dated 05.07.2019 on MoL&E file no. A-12018/2/2018-SS-I and clarified that as per the EPF&MP Act, 1952, CBT is the competent authority to decide service conditions of its employees. It is pertinent to mention that the EPFOA was finally forced to file contempt petition against the Hon'ble Chairman, CBT, EPF to force the grant of NFSG at that point of time.

5. Therefore, kindly consider that when NFSG was earlier denied on the exact same grounds of organised Group A service to us and when after judicial intervention it was finally granted by the MoL&E as well as EPFO, **despite EPFO commissioner cadre not being organised Group A service but because CBT, EPF had decided to grant NFSG**, then how can the same unjustified ground be taken again to deny NFU, especially when NFU has also been adopted by CBT while adopting recommendations of the 6<sup>TH</sup> CPC? Why is it that every single benefit due to us must be fought for in court? Recently, the Hon'ble Chairman, CBT, EPF has given directions to EPFO to reduce litigation and to go for *lok adalats* even for EPF dues, and here we want to keep increasing litigation for an issue already decided multiple times! If nothing else then at least the

principle of *Res Judicata* provides that the issue of CBT's power to grant us service benefits has already been decided in the *AK Chandhok* case as well as above mentioned NFSG Case fought by the EPFOA!

6. What is even more bewildering is that it is not that the concept of NFU as recommended by the 6<sup>TH</sup> CPC does not already exist in EPFO! The 6<sup>TH</sup> CPC recommended NFU for Group A as well as Group B employees of the GoI. Since the said recommendations were adopted by CBT, EPF, the equivalent Group B cadre of EPFO, i.e. the EO/AO cadre enjoys the NFU benefits regularly. The grant of NFU has even been baked into the Recruitment Rules (RR) of EO/AO cadre since the year 2020. However, when it came to grant of NFU in commissioners' cadre, this absurd issue of organised Group A service is being raised!

7. Sir, besides above valid legal arguments, let us consider that when EPFOA had challenged the appointments of deputationist officers in ACC(HQ) cadre before the Hon'ble Punjab & Haryana High Court, Chandigarh, it was due to your personal intervention we had withdrawn the case and at that point you had assured that our valid service requests shall be duly considered without taking unnecessary legal recourse. At your suggestion we had met the ACC(HQ)HR and when he pointed out that existence of GP 8900 might be an obstacle in grant of NFU in EPFO, we had responded that the same GP 8900 exists in Railway Protection Force (RPF), which is an organisation in his parent department, which also enjoys the benefits of NFU!

8. However, despite all above, now it appears that EPFO is preparing to file an affidavit before Hon'ble CAT, Chandigarh in the NFU Case stating that NFU cannot be granted as EPFO commissioners' cadre is not organised Group A service! Sir, it is very much true that we are not organised Group A service, but still we are eligible for NFU benefits as our employers, CBT, EPF, who have legal power to decide our service conditions, have decided to adopt NFU way back in year 2008! This issue of CBT's powers has been decided again and again by courts. DOP&T has also stated the same in their opinion. MoL&E had also roped in DoE & DoLA while deciding the NFSG matter and had ultimately agreed to the rightful demand. But still every single time any service benefit is to be granted,

the same issue of organised Group A service is propped up, and again we start the fight right from the very beginning.

9. The issue of NFU is not something that is important only to some batches or group of officers, it is going to affect every single Group A or commissioners' cadre officer of EPFO. If the management continues its obstinate approach in this issue, it will not only defeat morale across the organisation but vitiate future industrial relations.

10. Hoping for your immediate intervention in this important issue.

Thanking you.

Yours sincerely,



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

Copy to:

1. Hon'ble Chairman, CBT, EPF/ Hon'ble Minister,  
Labour & Employment, Govt. of India
2. Hon'ble Vice Chairman, CBT, EPF/Secretary,  
Ministry of Labour & Employment, Govt. of India
3. All the Hon'ble Members of CBT



for kind information