

IN THE EMPLOYEES PROVIDENT FUND TRIBUNAL

NEW DELHI

Appeal Case No. 760(8)/08 OF 2008

BETWEEN

Bharat Sanchar Nigam Limited

Office of the General Manager

BSNL Telecom District, Indore, Madhya Pradesh **...Appellant**

Versus

The Assistant Provident Commissioner,

Regional Office, Pradhikaran Bhavan,

7, Race Course Road, Indore, Madhya Pradesh **...Respondent**

&

Another

REPLY BY 2ND RESPONDANT UNDER RULE-12 OF EMPLOYEES'

POVIDENT FUND APPELLATE TRIBUNAL (PROCEDURE) RULES 1997

1. Particular of Respondent No. 2: -

I, R P Shahu, General Secretary, All India Graduate Engineer Telecom Officers Association (AIGETOA) having registered office at 4&5, Near Sethi Hospital, Bawal Chowk, Rewari-123401 (Haryana) **(ANNEXURE R-1)** authorized to represent the present appeal as I am the original complainant on behalf of the direct recruited executives of BSNL. The current address for communication and service of notice is: BSNL, Telephone Exchange, Russian Colony, NTPC Campus, Vindhya Nagar, Singrauli, Madhya Pradesh-486886.

I am acquainted with the facts of the present appeal, and I do hereby solemnly affirm and sincerely state as under for the purpose of Rule 12 of Employees' Provident Fund Appellate Tribunal (Procedure) Rules 1997.

2. Jurisdiction of the Tribunal: -

It is submitted that the subject matter of the appeal does not fall within the jurisdiction of the Hon'ble Tribunal.

The similar appeal filed by Bhopal (Madhya Pradesh) branch office of BSNL vide ATA Nos. 91(8)/2009 in the Hon'ble Tribunal against the impugned order of APFC Bhopal for same violation has already been dismissed on the ground that the recovery certificates do not come under the preview of Tribunal (**ANNEXURE R-2 and ANNEXURE R-3**).

The present appeal is repetitive in nature and hence liable to be dismissed on the principle of *res judicata*.

3. Limitation: -

The Appellant has given wrong declaration that the appeal is within the prescribed time limit under the Act. Whereas the truth is that, first order for refund of employees' share of EPF contribution in respect of past period recovered from the salary of subsequent months was already issued on dated 22/04/2008 by the APFC, Indore (**ANNEXURE R-4**) and the appellant has filed appeal in the Hon'ble Tribunal on 29/10/2008 against the second order issued on 25/08/2008 by the same APFC, without revealing the first order, thus it is not within the stipulated time limit of 60 days, and hence the appeal is liable to be dismissed on the grounds of time bar.

4. Subject in brief: -

The prayer of appellant is not maintainable either in law or on facts in the view of the reply given hereunder.

The present appeal has just been preferred by appellant with mischievous and evil state of mind to shield the wrongdoers and to delay the justice to the affected employees.

The appellant is Indore branch office of BSNL, and the respondent No 2 is its Executives' Association. Despite the legal provision and repeated

written circular from BSNL head office to the effect that employer's will contribute EPF on actual pay irrespective of emoluments (two such circular dated 08/06/2002 and dated 20/06/2003 are attached herewith and marked as **ANNEXURE R-5** and **ANNEXURE R-6**), the appellant did not do so but contributed either no amount till Feb- 2003 or random and short amount onward till September 2005 by restricting it to Rs 6500/- per month. This resulted into serious discrimination between employees because in other branch offices it was paid on actual wage in line with BSNL head office circulars. Employees of BSNL Indore branch had given several representations to local authorities to resolve the discrimination but appellant did not pay any attention. (Copies of 8 such written representations is annexed and marked together as **ANNEXURE R-7**)

Finally BSNL employees through their collective efforts made BSNL head office to resolve discrimination. It is 5 years later on dated 12/08/2005 when BSNL corporate office issued reminder circular to its branch units mentioning all earlier circulars regarding EPF contribution under the reference and directed that, EPF contribution should be paid on actual pay without limiting it to Rs. 6500/- per month, and past anomalies if any due to none or random payment of EPF contribution on actual wage should be removed (True copy of BSNL corporate office reminder letter dated 12/08/2005 is annexed herewith and marked as **ANNEXURE R-8**).

To resolve the anomalies of past contribution BSNL head office issued letter on dated 18/07/2006 to its branch offices and directed that BSNL will pay the employees' share of EPF contribution on difference of actual payable and already paid in one installment to the EPFO. Thereafter the same will be recovered in installments from the employee's salary of subsequent months, and an undertaking to this effect should also be taken from the individual employees in the given format which is apparent violation of the provisions of Para 32 of Employees' Provident Fund Scheme 1952 (True copy of BSNL corporate office letter dated 18/07/2006

is annexed herewith and marked as **ANNEXURE R-9)** Even Tamil Nadu branch of BSNL went to the extent that the interest to which employees are otherwise eligible under Para-60 of the EPF Scheme 1995 shall also not be given, and they tried to take undertaking from the employees as well. (BSNL Tamil Nadu letter dated 26/08/2006 is annexed herewith and marked as **ANNEXURE R-9A)**

It is worth to mention here that BSNL branch office Indore had already been recovering difference of past contribution from employee's salary since May 2006 onwards much before the BSNL head office order dated 18/07/2006 furthermore without intimation to the employees and without depositing it to the EPFO. Same has already been accepted by the appellant in its appeal page no-6 and para no. (xv).

After receiving the direction from the head office regarding past recovery vide letter dated 18/07/2006 the appellant and other branch office of BSNL even resorted unethical labour practices to obtain the undertaking for past recovery from the employee's subsequent salaries. On behalf of the employees after having several persuasions with BSNL Indore finally I contested the said recovery in EPFO on the basis of violation of Para-32 of EPF Scheme. After giving due consideration to matter and facts supplied by respondent and appellant EPFO Indore concluded that the said recovery is in gross violation of Para-32 of EPF Scheme, and amount recovered on this account should be refunded to the concern employees.

5. Reply of the facts: -

For the purpose of Rule-12 of Employees' Provident Fund Appellate Tribunal (Procedure) Rules 1997, the para-wise reply of facts stated in the appeal by appellant, is as under: -

i. As regard fact i) to v): -

It is to state that the appellant is a branch office at Indore (Madhya Pradesh) of Bharat Sanchar Nigam Limited, a company within the meaning of section 617 of Companies Act 1956, having its registered office at

Bharat Sanchar Bhawan, Harish Chandra Mathur Lane, Janpath, New Delhi-110001 (for brevity here in after to referred as BSNL), and Respondent No.2 is its Executives' Association.

BSNL was transformed on 01/10/2000 into its current stature from the Department of Telecommunication (here in after to be referred as DOT), Government of India. The employees on permanent roll of erstwhile DOT as on 30/09/2000, were considered as 'on deemed deputation to BSNL' *w.e.f.* 01/10/2000 subject to their permanent absorption in BSNL later on. The said employees 'on deemed deputation to BSNL' were absorbed into BSNL in phased manner, and in some cadres of employees the process of absorption is still on. BSNL also recruited employees after the date it come into being *i.e.* 01/10/2000. So, three categories of employees came into existence in BSNL, ONE who came to BSNL on deemed deputation and got absorbed in it (here in after to be referred as "absorbed employee"), TWO who came to BSNL on deemed deputation and the process of their absorption is still on (here in after to be referred as "deputed employee"), THREE who were recruited by BSNL on & after 01/10/2000 (here in after to be referred as "recruited employee").

By bringing necessary changes in various Central Civil Services Rules, the absorbed employees were allowed all pensionary benefits (*e.g.* Death-cum-Retirement Gratuity, Government Provident Fund, Central Government Employees' Group Insurance Scheme, Central Civil Services Pension, etc.), which were available to them in Government of India setup; hence they are covered by exemption under section 16(1)(b) of Employees' Provident Fund and Miscellaneous Provisions Act 1952 (here in after to be referred as EPF Act). The deputed employees till the process of absorption completes, are government employees & allowed all pensionary & other benefits under various central civil services rules; hence they are not covered by EPF Act at all. The recruited employees have never been extended any pensionary benefits either those are available to the absorbed / deputed employees or

any other similar benefits under any scheme, rule, etc.; hence they are not covered by any exemption under EPF Act. In the given scenario it is clear that as far as the recruited employees are concerned, the provisions of EPF Act are absolutely mandatory; hence it is wrong to say that the benefits under EPF Act were extended to them voluntarily.

If the application of EPF Act to BSNL is voluntary, the appellant is called upon to produce before Hon'ble Tribunal the copy of: -

- An application or agreement made by BSNL and its employees under section 1(4) of EPF Act for the voluntary application of EPF Act to BSNL, and
- Notification published in official gazette under section 1(4) of EPF Act, applying the provisions of EPF Act to BSNL.

ii. As regard fact vi): -

Since the service interests of all three categories of employees were different, there started war between them in BSNL to get more out of pie. What has been termed as 'confusion' by the appellant in the present appeal is nothing but a failed attempt to deprive the recruited employees of their due benefits under EPF Act, whereby some of the absorbed / deputed employees (majority work force in BSNL), at the helm of top and middle level power in BSNL *off-the-record*, laid the emphasis that the recruited employees are excluded as per para 2(f)(ii) of Employees' Provident Fund Scheme 1952 (here in after to be referred as EPF Scheme) and why should they be given EPF benefits on actual wages by having recourse to para 26(6) of EPF Scheme. Accordingly they amicably decided to pay EPF contribution under section 6 of EPF Act restricting the monthly wage of employees to the maximum of Rs 6500 pm by purposefully ignoring the repeated directions issued by BSNL head office (ANNEXURE R-5, ANNEXURE R-6) and recommendation (duly accepted by Government of India) of 1st CPSU Pay Revision Committee; appellant is one among them,

who did so. It is pertinent to note that this thing happened only in some branch offices of BSNL (e.g. in Madhya Pradesh, Tamil Nadu, Kerala, etc.) including that of appellant, and continued so for the period of about 5 years. The recruited employees working in these branch offices felt cheated in the hands of power group of absorbed / deputed employees because of discrimination as in other branch offices of BSNL (e.g. in Punjab, Delhi, Rajasthan, West Bengal, Gujarat, Bihar, etc.) the EPF contribution, in respect of their colleagues and batch-mates, was paid on actual monthly wages of employees by having recourse to para 26(6) of EPF Scheme. This anomaly was several times brought to the notice of BSNL Indore branch authorities, but it gave deaf ear to it each time.

iii. As regard fact vii): -

With mala-fide intention of misleading the Hon'ble Tribunal, the appellant has given totally wrong contention that the BSNL corporate office had directed to contribute at the rate of 13.61% of the Pay + IDA of the employee per month limited to Rs 6500/-

Whereas the truth is that BSNL head office vide its letter dated 08/06/2002 & 20/06/2003 (ANNEXURE R-5 & ANNEXURE R-6) clarified that the EPF Scheme is applicable to all directly recruited employees without any ceiling and irrespective of their emoluments, and the BSNL's EPF contribution shall be to the full limit (extent) of 13.61% of Basic Pay + IDA. The 13.61% here means 12% EPF Contribution, 1.1% EPF Administrative Expenses, 0.5% Deposit-link Insurance Contribution, and 0.01% Deposit-link Insurance Expenses.

iv. As regard fact viii): -

The appellant wants to take advantage of its mistake / ignorance. It is wrong to say that BSNL has come under EPF Act for the first time. The erstwhile DOT used to engage thousands of casual employees through

labour contractor, and used to act as principal employer for the purpose of EPF Act. Under EPF Act principal employer is equally responsible; hence it has discharged its responsibility with whole hearted dedication to ensure that the provisions of EPF Act are complied with to protect the interest of the said casual labour. It is very strange to note that the same well experienced employees of erstwhile DOT (*i.e.* absorbed / deputed employees) in BSNL have now started arguing that BSNL has come under EPF Act for the first time and they were very much confused. If big companies like BSNL, with approximate work strength of about 350000 employees, starts arguing so, it will become totally impossible to administrate the social security laws like EPF Act. Moreover, the appellant is not an independent unit but is totally governed by the BSNL corporate office New Delhi. BSNL corporate office has already issued repeated circulars regarding the mode and manner of EPF contribution so stating word like "confusion" by the appellant is nothing but an attempt to hide the mistake which was committed deliberately to divest the recruited employees.

v. As regard fact ix): -

The appellant's argument of 'voluntary application of EPF Act' and 'first time application of EPF Act' has already been rebutted in para i) and iv) above.

The appellant is maintaining GPF records for approximately 1600 absorbed / deputed employees without any problem and complication, whereas the same appellant claims that it needs 'enormous and huge amount of paper work' and 'huge amount of time' to maintain EPF account for just about 5 recruited employees per years. How much huge amount of paper work and time is required to maintain the EPF is well known to the Hon'ble Tribunal hence, the appellant's argument of 'enormous and huge

amount of paper work' and 'huge amount of time' is not only imaginary one but very ridiculous also.

vi. As regard fact x): -

The appellant has deposited EPF contribution at the rate of 13.61% on wages of Rs 6500 pm, with mala fide intention of depriving "recruited employees" of their due share of EPF benefits.

Whereas BSNL instructed vide its letter (ANNEXURE R-5) and (ANNEXURE R-6) that: -

- There is no ceiling on wage for the EPF contribution,
- EPF contribution should be paid, irrespective of employees' emoluments, to the full limit (extent) of 13.61% of Basic Pay + IDA.

It is here pertinent to note that the EPF contribution on restricted pay of Rs 6500 pm was paid only in a few branch offices (including that of the appellant) of BSNL, whereas in all other branch offices of BSNL it was paid on actual monthly wages. Please refer para ii) above also.

vii. As regard fact xi): -

It was clarified several times by BSNL (ANNEXURE R-5), and (ANNEXURE R-6) that there is no limit on monthly wages but, because of the ill-will of appellant it could be implemented only in the year 2006 *i.e.* 6 years later. There was no confusion but ill-will, because confusion does not take 6 years' time for clarification in the face of our several written persuasions.

viii. As regard fact xii) to xv): -

It was ill-will, not unknowingly mistake, of the appellant of not paying EPF contribution under section 6 on actual wages, as other branch offices of BSNL did it correctly. BSNL corporate office again issued circular as reminder (ANNEXURE R-8) dated 12/08/2005 and clarified that there is no limitation on Rs 6500/- per month for EPF contribution in respect of

recruited employees. A year later BSNL issued another order (ANNEXURE R-9) dated 18/07/2006, which states that at the first instance the full amount EPF contribution in respect of past period (employer's share as well as employees' share) shall be paid by BSNL and later the employees' share of contribution shall be recovered from the salary of subsequent months in installments. BSNL also insisted for an undertaking to this effect from the employees that they are agreed to this illegal arrangement.

The appellant already initiated the recovery from May-06 onwards without intimation and undertaking from the individuals and much before the corporate office order dated 18/07/2006 (ANNEXURE R-9), and later to get the said undertaking from employees, the appellant even resorted to unethical and illegal labour practice of threatening employees of dire consequences, transfer, and removal from services, etc.

One of such case is being briefed here for the reference of the Hon'ble Tribunal. In Southern Telecom Region Chennai (STR) branch office of BSNL, employees were threatened that if they do not give undertaking they will be removed from service. One of employee (Mr Surinder Kumar) did not give the said undertaking and complained to APFC Chennai against such unethical practice of BSNL. On this, he was issued disciplinary memo (**ANNEXURE R-10**) and threatened that he will be removed from service for complaining to the APFC Chennai. APFC Chennai on 07/02/2008 ruled in the favour of Mr. Surinder Kumar that the recovery of EPF contribution in respect of past period from the salary of subsequent months is gross violation of para 32 of EPF Scheme, and ordered that the amount so recovered should be refunded to the employees within 15 days (**ANNEXURE R-11**). Despite order of APFC Chennai, the STR did not refund the money till the complainant made an oral complaint once again somewhere in the end of July 2008. Meanwhile the STR Chennai approached RPFC Chennai to get the APFC Chennai order revoked. The RPFC Chennai caused the order of APFC Chennai reversed under section

7B of the EPF Act without following due procedure and without giving the opportunity of being heard to the complainant. Even Mr. Surinder Kumar demanded the opportunity of being heard, but he was denied **(ANNEXURE R-12)**. It is also pertinent to note here that even the order of APFC Chennai was reversed under section 7B, the STR Chennai complied with the order under section 7A of APFC Chennai and refunded the recovered amount to Mr. Surinder Kumar **(ANNEXURE R-13)** so to restrain him from preferring an appeal against the said reversal of APFC order. As the stated above, the STR branch office of BSNL resorted to unethical labour practices, thus transferred out Mr. Surinder Kumar arbitrarily and without any reason **(ANNEXURE R-14)**. Thereupon the complainant filed a writ petition in Hon'ble Madras High Court against the victimization by BSNL. The Hon'ble Madras High Court took the matter very serious and issued notices to BSNL as well as its branch offices at Chennai and immediately granted stay on vindictive transfer of the complainant **(ANNEXURE R-15)**.

BSNL was very much aware that: -

- This recovery is the violation of para 32 of EPF Scheme, and
- Even it will not get the permission under para 32 to recover this amount from the salary of subsequent months on the pretext of 'accidental and clerical mistake'.

This is the reason why BSNL tried to recover the said amount of EPF contribution silently from the salary of subsequent months by adopting the safer way of obtaining the said undertaking from the employees by using immoral practice. As per para 32 of EPF Scheme the employer can recover the employees' share of EPF contribution from the salary of the month to which such contribution pertains. The Hon'ble Supreme Court of India in case of M/s S K Nasiruddin Beedi Merchant Limited Vs Central Provident Fund Commissioner & Anthers has also ruled that EPF contribution in respect of past period cannot be recovered from the salary of subsequent months. From this order it could very well be perceived that mens-rea was

present in the mind of wrongdoers in BSNL management while issuing such order for recovery.

ix. As regard fact xvi): -

The appellant all of sudden started lump sum recovery by violating Para-32 of EPF scheme and ignoring the hardship of the employees. No prior intimation was even given to the employees. It was hard enough to survive the family and social life with such huge amount of recovery. The request made by the Respondent No 2 for reducing the amount of recovery was just an attempt to mitigate the financial hardship of affected employees, which no way render such recovery legalized.

The matter to be decided here is that whether such representations for immediate relief to avoid the hardship validates the unethical and unlawful practice of appellant BSNL Indore and BSNL corporate office order for retrospective recovery of EPF contribution from the employees' salary of subsequent months which is gross violation of mandatory provision Para-32 of EPF Act. It is stated that Para-32 of EPF Scheme has overriding effect over: -

- Any other provisions of the EPF Scheme,
- Any law for the time being in force, and
- Any contract to the contrary.

Here the intention of the legislation is that the recovery of EPF contribution can not be made in any other manner except the manner provided therein. Since subject matter of these representations itself is against the law, it can not be contended that employees have consented for the said recovery.

x. As regard fact xvii): -

The appellant is called upon to state the Act/Rule/Order/Judgement under which the employee's share of EPF contribution ought to be so deducted.

xi. As regard fact xviii) and xix): -

These all are irrelevant consequential stories. The said manner of recovery of employee's share of EPF contribution itself is illegal. Whatever amount of EPF Contribution (employer's share as well as employee's share) which has been paid by the appellant is its statutory obligation, and in no way the appellant can be absolved from its responsibilities.

xii. As regard fact xx) and xxi): -

The appellant is called upon to state whether all the employees have given said undertaking from whom recovery is made. Since Para-32 of EPF Scheme has overriding effect, the said undertaking is null and void. The Hon'ble Tribunal may also look in the style and manner in which such undertakings were obtained, as explained above in para viii). It can be easily examined that attached undertakings with the appeal are purely in English language and the employees who have signed the undertaking belongs to Group-D or labour category of employees (hardly able to understand the alphabets of English language) even such undertaking has been taken with thumb impression also. No executives have signed any such kind of undertaking on behalf of whom respondent actually filed the complaint. It clearly shows the immoral practice of appellant in captivating the undertaking from the employees and with the intension to misguide the Hon'ble Tribunal to justify its illegal act. Moreover in wake of Para-32, it is stated that even if employees give their written consent the said recovery can not be affected.

xiii. As regard fact xxii) to xxiv): -

Facts presented in these paragraphs are totally irrelevant as for as main plea is concerned. Appeal is against the legalities of impugned order of APFC Indore to stop and refund the retrospective recovery. Making recovery in installments cannot be legalized, when the recovery itself is illegal. These orders modifying the amount of recovery for easy installments are just consequential to the BSNL's earlier order, which ultimately instructs its branch offices to make illegal recovery. The mere reduction in the amount of installments of said recovery does not render it absolute and legalized.

xiv. As regard fact xxv): -

The appellant's contention of filing belated complaint with APFC sometimes in July 2007 after the completion of recoveries is totally false as continuous written persuasions were done with the appellant (ANNEXURE R-7) and finally written complaint was filed with RPFC Indore on 03/11/2006 during the recovery period. (True copy of written complaint with APFC on dated 03/11/2006 is annexed herewith and marked as **ANNEXURE R-16**). Moreover the illegality of action is not barred by time.

The Respondent No. 2 and other employees of BSNL Indore have already written number of complaints to the appellant and other internal authorities stating all the facts before and after the start of recovery. If the appellant had not been supplied with the copy of complaint from APFC Indore, it would have asked for the same once again during the course of proceedings.

There was number of anomalies in respect of EPF before filing the complaint with APFO like no EPF account in the name of employees, not supplying of yearly statement, short contribution, non settlement of transfer cases, recovery of past period etc. After enquiring from EPFO Indore, respondent came to know that, there was no individual EPF account and not even single rupees deposited in the name of individual

employees and no single statement had been supplied till Jan-2007. Seeing all these anomalies with the EPF of employees in big employer like BSNL forced employees to think if there was any big scam behind the curtain. Same was widely covered by the print media (true copy of some print media is attached herewith and marked **ANNEXURE R-17**). Resolving all the aforementioned anomalies and deposit of EPF contribution (employer's share as well as employees' share) in respect of past period by the appellant is its statutory obligation, and the amount so deposited does not entitle the appellant to recover the employees' share of EPF contribution either in installments or otherwise from the employees' salaries of subsequent months.

As regard dropping of proceedings under section 7A, it is evident from the order itself (refer Annexure-10 of the appeal) that the proceedings under section 7A were initially dropped on the condition that if complainant is not satisfied with the records submitted by the appellant, he may again approach the EPFO authorities. The action of APFC Indore was appreciable at that time in respect of forcing the appellant to resolve various aforementioned anomalies and deposit short amount which was not deposited despite recovering regular contribution from the employee's salaries and issuing individual account number/ yearly statement but it was equally disappointing that there was no any comment on retrospective recovery made by the appellant.

xv. As regard fact xxvi): -

As stated above, the proceedings under section 7A were initially dropped on the condition that if complainant is not satisfied with the records submitted by the appellant, he may again approach the EPFO authorities. Since the complainant was not satisfied with the records and reply given by the appellant and APFC Indore (the formal letter from APFC Indore dated 21/01/2008 **ANNEXURE R-18**), he again writes to EPF authorities

dated 15/02/2008 (**ANNEXURE R-19**). The matter was also brought to the knowledge of EPF (Vigilance); and after going through the detail enquiry report of APFC Indore under section 7A, Deputy Director (vigilance) EPFO West Zone wrote letter to the RPFC Indore dated 19/06/2009 (**ANNEXURE R-20**) in which it is clearly stated that, it appears 7A authority has committed serious error in fact and in law in dropping the proceedings without looking into the factum of recovery of the past arrears of contribution from the current salaries in spite of specific allegations to the effect which were also supported by the inspection conducted by the department and directed the RPFC Indore to review the proceeding under section 7A which had left much to be desired, on which proceedings were initiated by the EPFO Indore and matter was heard so. Hence, it is wrong to say that APFC Indore was satisfied with the compliance by the appellant, and the revival of the enquiry under section 7A is hit by the principle of *res judicata*.

xvi. As regard fact xxvii): -

By dropping enquiry temporarily, the APFC Indore gave more than sufficient time and opportunity to the appellant so that appellant could rectify its grim mistake and satisfy its employee (*i.e.* complainant). APFC Indore had issued an order on dated 22/04/2008 (ANNEXURE R-4) to appellant and directed to refund the recovered amount for the past contribution. But, the appellant did not make use of this opportunity and refused to comply with the said order of APFC Indore; hence the Respondent No 2 had to approach APFC once against the non compliance of the said order and enquiry was initiated under section 7A.

xvii. As regard fact xxviii): -

Even the terms 'dropped' and 'revival' have been used in the enquiry under section 7A, the actual sequence of the events shows that nothing was

dropped & nothing was revived. Instead the enquiry was 'suspended' subject to certain condition, and non-fulfillment of that condition led to its natural and automatic 'resumption'. Both of the parties were aware of said suspension and resumption of enquiry under section 7A, and were also present at the time of adjudication. The order of adjudication very clearly states the logic and reasoning thereof. Hence, it is wrong to state that the order under section 7A was non-speaking.

xviii. As regard fact xxix) to xxxi): -

The settled law in this regard has been already stated here in above. Even if employees give their consent in writing, it is not possible for employer to make recovery of employees' share of EPF contribution in respect of past period from the salary of subsequent months. Whatever undertaking the appellant has obtained from the employee is illegal at law. The appellant has taken undertaking from some labour category of employees against the law by using unethical practice as already stated in Para-xii and making the same as a basis for illegal recovery is nothing but criminal activity of the appellant. Hence, APFC Indore is correct at law to pass order that such recovery is against the provisions of Para-32 of EPF Scheme.

xix. As regard fact xxxii) and xxxiii): -

No executives on behalf of whom respondent has filed the case has signed the said undertaking/agreement and even not given any consent for past recovery from subsequent salary. Appellant have taken some undertakings from some labour category of employees by using immoral practice as already stated in Para-xii above. Whatever undertaking the appellant has obtained from the employee is illegal at law.

The factual position in respect of APFC Chennai and Mr. Surinder Kumar has already been narrated in the Para-viii) above. In the stated case of APFC Chennai, the order under section 7A for refund of employee's share

of EPF contribution in respect of past period has already been implemented and the amount of said recovery has also been refunded to Mr. Surinder Kumar in the month of July 2008 (ANNEXURE R-13) even the said order of APFC Chennai was reviewed and reversed under section 7B on 27/05/2008. Section 7B order issued by APFC Chennai was based on the wrong facts and statements supplied with ill intension by BSNL Chennai and by refusing of the opportunity of being heard to the original complainant Mr. Surinder Kumar (ANNEXURE R-12). It is evident from the 7B order itself that implementation of the said order is subjected to the authenticity of various facts provided by the BSNL Chennai like EPF contribution was restricted to Rs. 6500/- per month and it has been extended to the full limit on request of employees through their associations in Aug-2005 after employees submitted their joint declaration and agreed to pay the past contribution but the facts mentioned in the order are totally false as already stated in above Paras.

It is also pertinent to note that followed by various complain from different part of the country Central Provident Commissioner Office (CPFO) New Delhi has issued centralizes decision regarding refund of retrospective recovery to the BSNL and all RPFCs on dated 13/05/2009 (**ANNEXURE R-21**) under the sign of ACPFC (Compliance). It is reasonably learnt that the order issued by APFC Chennai under section 7B has been cancelled, by following the ACPFC (Compliance) order.

It is also pertinent to mention that BSNL management has appealed against the aforementioned centralized decision of CPFO which has already been dropped after examination of the facts and conveyed to BSNL management vide letter dated 17/07/2009 (**ANNEXURE R-22**).

6. Justice sought: -

The appellant has tried to misguide the Hon'ble Tribunal by giving various wrong, frivolous and contrary statements (Like "due to confusion", "require

huge amount of work and time", "EPF was introduced first time", "EPF was restricted to Rs 6500/- per month by corporate office", "introduction of EPF was voluntary in BSNL", "employees have given undertaking", etc.) in the appeal behind the illegal act of short contribution and later on retrospective recovery from the subsequent salaries.

Since the appeal is time barred, and the Tribunal does not have jurisdiction to settle any dispute on recovery certificate and the appeal doesn't have legal sanctity, hence is liable to be dismissed.

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16.	Annexure R – 15 A true and correct copy of stay order of Hon'ble Madras High Court on Transfer of Shri Surinder Kumar JAO Chennai.	48-49
17.	Annexure R – 16 A True and correct copy of written complaint to RPFC Indore on dated 03/11/2006	50-51
18.	Annexure R – 17 True and correct copies of print media covering EPF anomalies in BSNL.	52
19.	Annexure R – 18 A true and correct copy of letter received from APFC Indore dated 21/01/2008	53
20.	Annexure R – 19 A true and correct copy of letter written to APFC Indore and Deputy Director WZ dated 15/02/2008.	54
21.	Annexure R – 20 A true and correct copy of Deputy Director Vigilance EPFO, WZ dated 19/06/2008	55-56
22.	Annexure R – 21 A true and correct copy of centralize decision of CPFC Office New Delhi dated 13/03/09	57
23.	Annexure R-22 A true and correct copy of centralize decision of CPFC Office New Delhi after examination of appeal dated 17/07/09	58

VERIFICATION

I, R P Shahu, General Secretary "All India Graduate Engineer Telecom Officers Association" currently working as JTO in BSNL, at Vindhya Nagar Telephone Exchange under Telecom District Engineer Sidhi, Madhya Pradesh do hereby verify that the contents of this reply has been read over by me which I have fully understood and thereupon state that the contents of the same are true to my knowledge based upon the records and no material facts have been suppressed.

Date: 23.07.2009

Place: New Delhi

(R P Shahu)



समिति पंजीकरण प्रमाण-पत्र

(वर्ष 1860 का इक्कीसवाँ अधिनियम)

क्रमांक 72

वर्ष 2005-2006

Engineer

मैं एतद् द्वारा प्रमाणित करता हूँ कि ALL INDIA GRADUATE TELECOM OFFICERS ASSOCIATION

REWARJ.

नामक समिति को समिति

पंजीकरण अधिनियम इक्कीस आफ 1860 (तथा पंजाब संशोधन अधिनियम 1957 द्वारा यथा संशोधित) के अन्तर्गत पंजीकृत किया गया है।

यह प्रमाण-पत्र मेरे हस्ताक्षर से आज दिनांक 21 मास Nov.

वर्ष 2005 को चण्डीगढ़ में जारी किया गया।

समिति पंजीकरण
Rev. (11)

OFFICE OF THE REGIONAL PROVIDENT FUND COMMISSIONER
SUB REGIONAL OFFICE
132, ZONE - II, M.P.NAGAR, BHOPAL

NO./PFC/SRO/BPL/ENF/MP/13737/ 1465

Date:- 20/1/09

BEFORE THE ASSISTANT PROVIDENT FUND COMMISSIONER

In the matter of proceedings under regarding violation of provisions under Para 32 of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952, against M/s. Bharat Sanchar Nigam Ltd., Bhopal bearing PF Code no. MP/13737.

ORDER SHEET
(Passed on 13/1/09)

M/s Bharat Sanchar Nigam Ltd, Bhopal is an establishment covered under the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 (here in after referred as Act) under the PF Code no. MP/13737 and owing to a complaint from Shri S.K.Gupta, GE-JTO regarding non compliance of the provisions of the Act and violation of Para 32 of the Employees Provident Fund Scheme an enquiry was held on 13/1/09.

As the establishment is recovering the arrear of employee's contribution from the subsequent wages of the employees, the action attracts violation of Para 32 of the Employees Provident Fund Act & Scheme. In order to mitigate the grievance of the employees, both the parties ie the complainant Shri S.K.Gupta and Shri D.N.Singh, DE Legal of the establishment was called to represent their case in the hearing.

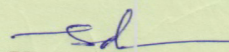
And the during the hearing, the complainant pointed out that the establishment is deducting the arrear of employees contribution for the pre discovery period from the subsequent wages of the employees. And no consent from the employees has been taken for this by the establishment.

"As per Para 30 & 32 of the EPF & MP Act 1952, arrear of employee's contribution cannot be recovered from subsequent wages. Recovery of such dues from the employees is in contravention to the provision of the EPF Act & Scheme".

Therefore, I hereby direct M/s BSNL. Bhopal to refund the deductions of the arrears contribution and no further deduction should be made by them from the salary of the employees

Place: - Bhopal




(Neeraj Shrivastava)
Assistant Provident Fund Commissioner,
SRO, Bhopal

To,

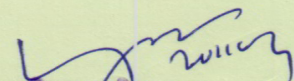
M/s. General Manager Telecommunication
BSNL, Bhopal-3

No. SRO/BPL/Enf/MP/13737/Tr.No. 1466

Date: 20/1/09

Copy to:

1. Shri. R. Rameshwar, E.O. Circle 1(2) ... for information with a direction to ensure the compliance of this order and submit a report by name to the undersigned for further action in the matter without fail.
2. Shri S.K.Gupta.... complainant.


(Neeraj Shrivastava)
Assistant Provident Fund Commissioner,
SRO, Bhopal
Neeraj Shrivastava
Assistant P.F. Commissioner
Sub Regional Office

THE EMPLOYEES PROVIDENT FUND APPELLATE TRIBUNAL
NEW DELHI
ATA Nos. 91(8)/2009

BETWEEN:

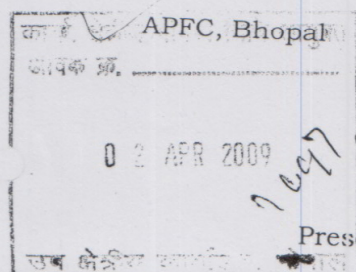
M/s. Bharat Sanchar Nigam Ltd.

.....

APPELLANT

AND

RESPONDENT



ORDER

(Dated the 16th March, 2009)

Present: Shri Rajnish Prashad, Counsel for the appellant.

Present appeal has been filed under Section 7 I of the Employees Provident Fund & Misc. Provisions Act, 1952 (in short the "Act") against the Order Sheet dated 20-01-2009 issued by the Office of APFC, Bhopal in the matter of proceedings under Para 32 of the EPF Scheme. According to Section 7 I of the Act an appeal shall lie before this Tribunal against a notification issued by the Central Government, or an order passed by the Central Government or any authority, under the proviso to sub-Section (3), or sub-Section(4) of Section 1, or Section 3, or sub-Section(1) of Section 7A, or Section 7B [except an order rejecting an application for review referred to in sub-Section(5) thereof], or Section 7C, or Section 14B of the Act. The Recovery Certificate Letter impugned in this appeal does not fall within the ambit of Section 7 I of the Act.

CERTIFIED COPY

By Registrar, EPFAT
New Delhi

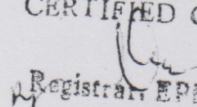
Accordingly, the appeal filed to challenge the Order Sheet dated 20-01-2009 is not maintainable and therefore, the present appeal is not maintainable, and is dismissed. File be consigned to the record room. Copy of the Order be sent to both the parties.



(R.L.Koli)

Presiding Officer, EPFAT

CERTIFIED COPY


Registrar EPFAT
New Delhi



EMPLOYEES' PROVIDENT FUND ORGANISATION,

श्रम मंत्रालय भारत सरकार,
(Ministry of Labour, Govt. of India),राष्ट्रीय कार्यालय, 7, रेसकोर्स रोड,
Regional Office, 7, Race Course Road,

Phone No. R.C. I : 0731- 2331923 Fax : 0731- 2531923, PRO : 0731- 2540057,

इन्दौर (मध्यप्रदेश)
INDORE (M.P.)

R.C. (R&R): 0731- 2435669 Fax : 0731- 2435669, A.C. (Enf.): 0731- 2541603.

No. PFC/MP/17087/Enf.

Date

To,

The Chief Accounts Officer
Accounts Wing BSNL
Old C.T.O. Building, Radio Colony
Indore (M.P.)

Sub: - Complaint regarding recovery of Provident Fund Contribution.

Sir,

Complaints are being received in this office that you are indulging in recovering the arrears of statutory dues under the Employees Provident Fund and Miscellaneous Provisions Act, 1952 which you have not recovered and deposited in the prescribed time limit and as you are aware it is in contravention of the mandatory provisions of the Employees Provident Fund and Miscellaneous Provisions Act, 1952.

You are therefore advised to refund such amount if so deducted to the concerned employees and also advised to submit your detailed explanation in the matter within 7 days of the receipt of this letter. A copy of the complaint is enclosed.

Yours faithfully

(T.V.K.Nair)

Assistant Provident Fund Commissioner (Enf)
Madhya Pradesh, Indore

No. PFC/MP/17087/Enf. 1147

Date 22/6/00

Copy to:-

- 1) Sh.R.P.Sahu, 111/10, Doorsanchar Colony, Navratan bagh, Indore, M.P. for information.
- 2) Sh.V.S.Thakur, E.O. with a copy of the complaint and is advised to submit a detailed report on this matter.

Assistant P.F. Commissioner
Madhya Pradesh, Indore

FAX NO. :

Jun. 24 1999 05:00PM P1

BHARAT SANCIAR NIGAM LTD
(A Government of India Enterprise)
Corporate Accounts Section
Room No.304, Indraprastha Hotel
New Delhi 110 001

NO C/P
20/02
(CN)
Chd (6)
14/12

Dr. R. Niranjana,
The Dy. General Manager (F & A),
Andhra Pradesh Telecom Circle,
Doorsanchar Bhavan, Abids,
Hyderabad 500 001.

No.500-85/TA-1/BSNL/4 dated 8.6.2002

Sub: Opening of Employees Provident Fund Account with Regional
Provident Fund Commissioners in respect of directly recruited
BSNL personnel - reg

Ref: Lt.NO.TCA/CA/EPF/2002 dated at Hyderabad the 28.05.2002.

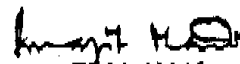
With reference to your above cited letter the following clarification is given.

1. The EPF Account should be opened under section 1(4) of the Employees Provident Fund and Miscellaneous Provisions Act 1952 and in such case section 2(i)(ii) is not applicable. There is no ceiling for Wages under section 1(4) of Employees Provident Fund and Miscellaneous Provisions Act 1952.

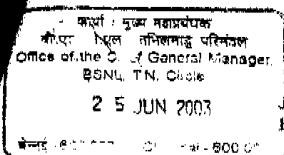
2. Required Account heads are already available under Schedule 19 and under all expenditure schedules.

3. The employer's contribution is to be paid by the respective Circle/Units.

Further action may be taken accordingly.


SURATT MANDAL
Jt. DDO(CA)

1/2



Jt. DDG(R&P)/BSNL/MISC/Union
BHARAT SANCHAR NIGAM LTD
(A Govt of India Enterprise)
(R&P Section)
1105, 148-B Statesman House,
Barakhamba Road,
New Delhi 110001.

F.No. 500-85/TA/IV/KW

Dated 20/06/03

To

All IFAs
BSNL Circles.

Subj: Opening of EPF Account with RPFC in respect of directly recruited BSNL employees.

Please ensure that before finalization of the accounts, the amount due on A/c of EPF contribution of directly recruited BSNL employees is remitted to the regional Provident Fund Commissioner, as the figures of the same would be required by the Auditor.

To clarify matters further, regarding EPF contribution, it is conveyed that the scheme is applicable to all the directly recruited BSNL employees irrespective of their emoluments. The contribution of BSNL is to extend to the full limit of 13.61% of the basic pay + IDA of the employee. The employee's contribution would amount to 12% of the basic pay + IDA. Schedules prepared for the same would show the detailed working of both the components of EPF (the employee's contribution and the employer's contribution).

Vidushi
20/6
(Vidushi Chaturvedi)
Jt. DDG(R&P)

IL GPR
D/P
27
AS/CA II

3
26/6

To,

The AO (Pay)
BSNL, NP-I
Indore (MP).

Sub: - Regarding CPF deduction to salary
Sir,

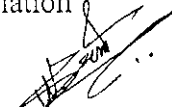
As I joined BSNL on dated 19 Nov 2001 at Indore GMTD, after completing training I am regular as a JTO in GMTD Indore on dated 25 Feb 2002. Deduction of CPF/GPF given below.

Month and year	Basic pay Rs-	Basic pay (revised pay scale) Rs-	GPF deducted Rs-	CPF deducted Rs-
25 Feb 2002	6500	9850	Nil	Nil
1 2002	6500	9850	Nil	Nil
April 2002	6500	9850	500	Nil
May 2002	6500	9850	500	Nil
June 2002	6500	9850	500	Nil
July 2002	6500	9850	500	Nil
Aug 2002	6500	9850	Nil	Nil
Sep 2002	6500	9850	Nil	Nil
Oct 2002	6500	9850	1133	Nil
Nov 2002	6700	10100	Nil	Nil
Dec 2002	6700	10100	Nil	Nil
Jan 2003	6700	10100	Nil	Nil
Feb 2003	6700	10100	Nil	Nil
March 2003	6700	10100	Nil	1186
April 2003	6700	10100	Nil	1186
May 2003	6700	10100	Nil	1186
June 2003	6700	10100	Nil	1186
July 2003	6700	10100	Nil	1186
Aug 2003	6700	10100	Nil	1186
Sep 2003	6700	10100	Nil	1186
Oct 2003	6700	10100	Nil	1186
Nov 2003	6900	10350	Nil	1186
Dec 2003	6900	10350	Nil	1186
Jan 2004	6900	10350	Nil	1186
Feb 2004	6900	10350	Nil	1186
March 2004	6900	10350	Nil	1186
April 2004	6900	10350	Nil	1186
May 2004	6900	10350	Nil	1186
Total			3133	17790

Deduction of CPF is irregular and till date I did not got any document relating to CPF deduction rule, CPF account No. and balance in CPF account.

Bhopal and other GMTD deducting CPF on the bases of 12% of (Basic + DA)

So please consider my case and convey me all satisfactory information



Date :- 10-06-2004

Nitin Kumar Soni
(JTO-SWI/GSM)
Staff No-38251

To
The A O (TA)
BSNL, INDORE

Dated: 01/10/2004

Subject: Regarding CPF deduction of JTOs recruited by BSNL.

Sir/madam,

With due respect we want to state that we are the JTO recruited by BSNL 2001, our CPF is being deducted Rs. 780/- per month as per the payment slip. At present our basic pay is Rs. 10350/- and DA on basic Rs. 4689/-. In other cities in MP (like Bhopal, Gwalior, Jabalpur, Betul etc.) and other part of the country CPF is being deducted Rs. 1811/- per month for the same basic pay i.e. 12% of Basic+DA. We have discussed many times personally with your office and Shri Nitin Soni (JTO) regarding this difference has given one written copy on 10/06/2004 but we are still waited for satisfactory reply.

Kindly do the needful regarding this matter as soon as possible to avoid any type of financial loss with us.


Thanking you.

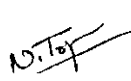
From all BSNL JTO (Unit -64)


R R SHAHU (JTO)
Staff no 38273


B S WASKEL (JTO)
Staff no 38228

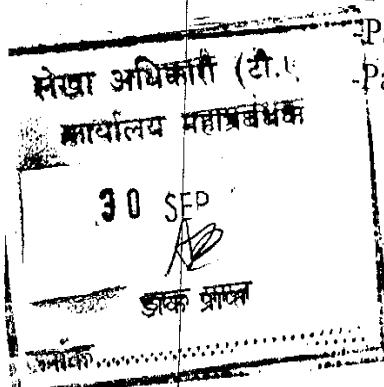

NITIN SONI (JTO)
Staff no 38251


TAPAN TIWARI (JTO)
Staff no 38860


NITIN TOPNO (JTO)
Staff no 38239

Attached;

- Copy of written latter given previously by Shri Nitin Soni
- Payment slip of JTO CMTS Bhopal (for reference)
- Payment slip of JTO A/T Jabalpur (for reference)
- Payment slip of JTO Betul (for reference)
- Payment slip of JTO Gwalior (for reference)
- Payment slip of JTO Kolkata (for reference)



To,
DGM (FINANCE)
BSNL INDORE

Date: 20/12/2005

Subject: Regarding EPF contribution and CGIS deduction of direct recruited JTOs.

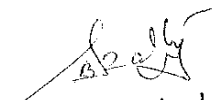
Sir,


We are BSNL recruited JTOs batch 2001/2002. We would like to have your attention on the following pending issues.


- 1- Our EPF was deducted unevenly, for few months @Rs1186/- and for few months @Rs780/ while order has already been issued by DDG on 22/03/2002 in which clearly mentioned that EPF contribution should be @ 12% of basic pay + IDA. We have discussed personally many times and given in written to AO on 10/06/2004 and 01/10/2004 (photocopy attached) to look into the matter. we have also provided order copy issued by DDG and payment slip of other state where EPF deduction was made proper. But this matter has not been taken seriously.
- 2- After continuous effort made by us one clarification order has been issued by DDG (CA) on 12/08/2005 to deduct the EPF @ 12% of basic +IDA (attached). After that our EPF is being deducted properly but our past anomalies did not get solved and no communications has been made till date with us.
- 3- We did not get even single statement of our EPF account. We are continuously trying to get our EPF account statement but nobody is taking responsibility so we are still in dark about our EPF amount.
- 4- Our CGIS was deducted @ Rs. 60/- per month form March 2002 to May 2004. After conformation from Account Officer it is found that this facility is not for BSNL recruited JTOs. We are still unknown why this deduction has made while facility is not extended for us. And what about our money, which has been deducted.
- 5- Training stipend was provided as per the CDA pay scale i.e. 70% of Basic + CDA. As pay scale has been revised since Oct. 2000, we should get the arrear of stipend as per the revised pay scale. But arrear for the stipend has not been provided so far.

We are so hopeful to get the matter solved as soon as possible with your sincere effort.

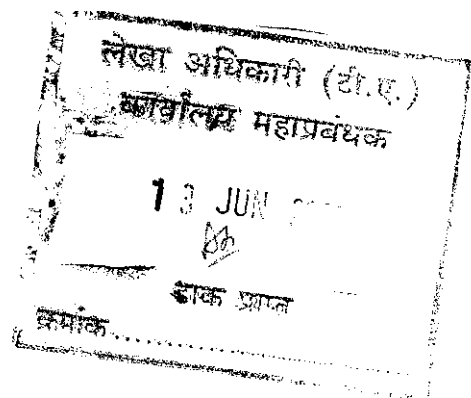
ALL BSNL RECRUITEE JTO
BSNL INDORE


B.S. Waskel
JTO (Provisioning)


NITIN PAUL TEJANE
JTO (GSM)


R.P. Shah
JTO (Mobile CSC)

Tapan Tiwari
District Secretary
BSNL INDORE
9425001722



AIGETOA/MP/Indore/EPF/06-07/3

Dated : 13.06.06

To
The A.O. (TA)
BSNL INDORE

Subject: Regarding lump sum recovery of EPF without prior intimation and statement of EPF Account.

Sir/Madam,

We are BSNL recruited JTO batch 2001/2002. We want to have your kind attention on following issues:

- 1- Four year have been passed of our EPF contribution but we didn't get even a single Statement inspite of our several communications in written. So we are still in dark about our EPF amount. Kindly provide us the individual Statements with Account Numbers.
- 2- We are continuously trying to let you know since last three year that our EPF Deduction was not proper. Even on giving many proofs and order copy issued by headquarter regarding proper contribution of EPF till date no communication has been received from your side due to which our amount to be recovered accumulated to huge amount.
- 3- Due to continuous effort made by us to the Delhi headquarter through the union platform one clarification order no. 500-85/2004-CAII/BSNL/KW dated 12.08.2005 was issued again by DDG regarding proper contribution of EPF with the instruction to solve the past anomalies as early as possible. After that our deduction became proper but still our past anomalies remain unsolved.
- 4- In our meeting with DGM (Finance) and GMT Indore on 20/12/2005 regarding past anomalies, DGM (finance) assured us to to resolve the problem as early as possible and to fix the installment with proper communication and mutual understanding. In spite of the above, in the month of May 2006 salary slip we found that there was huge deduction without any prior intimation.
- 5- There is no uniformity of deduction also. Some of us are transferred from other SSA and their deduction is different from those who were already posted in Indore. Their EPF deduction should also be calculated taking into account their posting in BSNL and not posting in Indore SSA so that deduction of all of us can be uniform.

Sir/madam, as you know we all are salaried person and have no other source of income. We have family and social responsibilities. Some of us have already taken different loan and almost all of us have taken different type of saving schemes like LIC, Pension Plan etc. Every amount of our salary has fixed head of expenditure. In this situation such a huge deduction from our salary without any prior intimation is neither logical nor affordable. With this deduction we are not able to properly maintain our family and social responsibility. This type of financial crises may cause mental instability and can affect our normal working.

So you are kindly requested to deposit our amount, which has been deducted without any prior intimation. You are also requested to provide amount to be recovered with all the calculation and past statement to maintain the transparency. There after recovery must be done with the affordable installment fixed by mutual understanding.

Kindly provide us the necessary information and make necessary arrangement so that the matter can be resolved at the earliest.

Thanking you

With regards

Sincerely yours



Tapan Tiwari

Copy to:

1. GMT Indore for kind information please.
2. GM (Finance) for kind information please
3. DGM (Finance) for Information & necessary action please.
4. GS AIGETOA
5. CS (MP) AIGETOA BHOPAL

All India Graduate Engineer Telecom Officer Association
MP Telecom Circle Bhopal, SSA-Indore
(An Association of Gr. Er. Telecom Officer of BSNL/MTNL)

website: www.aigetoa.org

e-mail: aigetoa@bsnl.net

District Secretary

Tapan Twari

9425001722

District President

Sandeep Jaswal

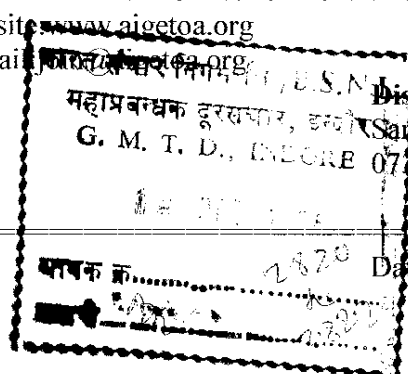
0731-2360000

AIGETOA/MP/Indore/EPF/06-07/4

To

The Account Officer

BSNL INDORE



Sub: Serious Violation of EPF Norms

Sir/madam,

Most humbly and respectfully I wish to bring into your kind notice once again that the Account wing of BSNL, INDORE, violates EPF Norms/Rules. I want to submit you the following facts, which will explain everything:

1. BSNL is PSU established in 01.10.2000 and we are recruited by BSNL in 2001 and 2002. As per BSNL rules the employees recruited by BSNL itself will be covered under EPF.
2. BSNL rule says the BSNL recruited employee will contribute 12% of its basic and IDA and BSNL will contribute 13.16% of the Basic and IDA of the employee for the EPF.
3. This policy was circulated to all concerned Accounts Officers in the march 2002, and BSNL H.Q. also sent many reminders to them for implementation of EPF policy for BSNL recruited employees time to time.
4. But it is worth mentioning that right from our joining (Oct'2001) to feb '2003 nothing was done from your side in the name of EPF. Although we kept on following up the concerned Officers, but of no use.
5. From March'2003 account wing started deducting Rs.1186/- per month (unknown calculation) till may 2004 there after 780/- per month (12% of Rs.6500/-) from our salary in place of 12% of our actual Basic + IDA as per BSNL Ruling without disclosing our EPF Account No. When we approached our finance wing for this irregularity they explained us that EPF cannot accept more than Rs.780/- as employee EPF contribution. They ignored the order issued by BSNL Head quarter. This continued till sep'2005.
6. From sep'2005 on our constant follow ups account wing started deducting our EPF contribution as per BSNL ruling after reminder issued by BSNL Head quarter vide letter no 500-85/2004-CAII/BSNL/KW dated 12.08.05. On pursuing regarding our past anomalies, which were deducted improper no proper response was given. Suddenly in the month may 2006 we found that there is lump sump deduction from our salary in the name of past EPF recovery that was not affordable to us.

7. As per EPF act employee contribution towards EPF must be recovered from the wage of that particular month only if it could not be recovered the whole responsibility will be of employer. All the past recovery must be paid by employer (BSNL in this case) itself for both the contribution i.e. employer and employee. It cannot be recovered from employee. So kindly look into the matter and stop the further recovery. Kindly provide explanation regarding past recovery that has been made during last 4-5 months as such recovery is being made against the EPF rule. If there is no strong base kindly arrange to refund our amount that has been recovered in the name of EPF recovery of past anomalies.
8. We are still unknown whether BSNL is contributing its part or not, whether our amount is being deposited in EPF board properly or not because till date we have neither received EPF account number nor any statement of our EPF Account in spite of our many request in written.

Request your goodself to kindly look into the submission we have presented under Para 7 and 8 of this letter which is serious violation of EPF norms. Notwithstanding these submissions and without prejudice to your actions, we do reserve the right to make a written complain to the EPF commissioner and seek appropriate judicial remedy should the need arise.

Thanking you,



**District Secretary
AIGETOA INDORE**

Copy to:

- 1-GMT Indore for kind information
- 2-DGM (Admn) kind information.
- 3-DGM (Finance) for necessary action.

(E)

To
The DGM (Finance)
BSNL INDORE
Sub: Regarding EPF issue

Date: 02.12.2006

Sir,

Most humbly and respectfully I wish to bring into your kind notice once again that I am GE-JTO recruited by BSNL in 2001. BSNL has provided the EPF facility to their employee in place of GPF/pension and it is the only future money for me. Account wing of BSNL Indore has been deducting the amount unevenly as per their own wish from my salary since 2002 without disclosing my EPF account and statement despite of our many requests in written and overruling all the orders issued by head quarter. I have applied my all effort to get the EPF account and statement but of no use. *I went to the EPF board on last week and I came to know that there is no any account in the name of me and BSNL is in defaulter list of EPF board. As per the EPF office BSNL has not given even single compliance till date despite of many reminders.*

It is my basic right to have the EPF account number within 15 days of being member of EPF and detail statement on the yearly basis. But till date I don't have any proof regarding EPF contribution. Account wing says that they have deposited the contribution to the EPF board but EPF board says there is no any deposite. I have been dancing here and there since five year. If BSNL has deposited the contribution properly to the EPF board then why account wing is not giving me the account number and statement. I am afraid about my future money as it seems like big scandal is being played behind the curtain.

Account wing has been deducting huge amount from my salary in the name of past EPF recovery for last six month without taking any undertaking and without providing due drawn. When I asked about the recovery to account wing they told that BSNL has deposited your contribution for the past anomalies in advance and it will be deducted from my salary in six installments but I am still confused where the amount has been deposited while my EPF account is not there. And it is also against the EPF act which says past contribution can not be recovered from employee except accidental and clerical mistake. I have already requested to stop the recovery till clarification of act and EPF account number with statement but of no use.

I have perused this case to all concern officers and SSA head of Indore many times, but my problem could not move a little bit. If some causality occurred with me, this is the only saving behind me for my family, but I could not get even account number since five year after putting my all efforts. How do I can believe that my family can recover my EPF after me? Many of my friends have resigned the department but they have forgotten their EPF due to this complication created by account wing with malafide intention. Now I am very much upset and my mental position is not good which is affecting my working and family as well. Kindly start the investigation if any scandal is being played and sentence the involved person.

Kindly pay the proper attention immediately and take the necessary action so that I can have EPF account number with all statements within two days else I will be forced to highlight this scandal through the media to draw your proper attention as I have no further patience to communicate the same problem with account wing.

Thanking you



R P SHAHU
 GE-JTO (BB), ONP INDORE

Copy to:

GMT Indore for kind attention and immediate action
 DGM (Admn) for kind attention and immediate action

All India Graduate Engineer Telecom Officer Association
MP Telecom Circle Bhopal, SSA-Indore
(An Association of Gr. Er. Telecom Officer of BSNL/MTNL)
website:www.aigetoa.org
e-mail:join@aigetoa.org

(9)

District Secretary

Tapan Twari
9425001722

District President

Sandeep Jiaswal
0731-2360000

AIGETOA/MP/Indore/EPF/06-07/05

Dated - 13/12/2006

To
The DE (Vigilance)
BSNL INDORE

Sub: Serious Violation of EPF Norms

Sir/madam,

Most humbly and respectfully I wish to bring into your kind notice that the Account wing of BSNL, INDORE, violates EPF Norms/Rules. I want to submit you the following facts, which will explain everything:

1. BSNL is PSU established in 01.10.2000 and we are recruited by BSNL in 2001 and 2002. As per BSNL rules the employees recruited by BSNL itself will be covered under EPF.
2. BSNL rule says the BSNL recruited employee will contribute 12% of its basic and IDA and BSNL will contribute 13.61% of the Basic and IDA of the employee for the EPF.
3. This policy was circulated to all concerned Accounts Officers in the march 2002, and BSNL H.Q. also sent many reminders to them for implementation of EPF policy for BSNL recruited employees time to time.
4. But it is worth mentioning that right from our joining (Oct'2001) to feb '2003 nothing was done from your side in the name of EPF. Although we kept on following up the concerned Officers, but of no use.
5. From March'2003 account wing started deducting Rs.1186/- per month (unknown calculation) till may 2004 there after 780/- per month (12% of Rs.6500/-) from our salary in place of 12% of our actual Basic + IDA as per BSNL Ruling without disclosing our EPF Account No. When we approached our finance wing for this irregularity they explained us that EPF cannot accept more than Rs.780/- as employee EPF contribution. They ignored the order issued by BSNL Head quarter. This continued till sep'2005.
6. From sep'2005 on our constant follow ups account wing started deducting our EPF contribution as per BSNL ruling after reminder issued by BSNL Head quarter vide letter no 500-85/2004-CAII/BSNL/KW dated 12.08.05. On pursuing regarding our past anomalies, which were deducted improper no proper response was given. Suddenly in the month may 2006 there was lump sum deduction from our salary in the name of past EPF recovery that was not affordable to us.

7. As per EPF act employee contribution towards EPF must be recovered from the wage of that particular month only, if it could not be recovered the whole responsibility will be of employer. All the past recovery must be paid by employer (BSNL in this case) itself for both the contribution i.e. employer and employee.
8. We are still unknown whether BSNL is contributing its part or not, whether our amount is being deposited in EPF board properly or not because till date we have neither received EPF account number nor any statement of our EPF Account in spite of our many request in written.

Request your goodself to kindly look into the submission we have presented under Para 7 and 8 of this letter which is serious violation of EPF norms. Our members approached EPF office last month wherein they were told that none of us have account in our name. We have approached several times in last three years to Account Officer (TA), GMT/DGM (Admin)/DGM (Finance) in written regarding discrepancy of our EPF account but of no use. In case of loss of any of our member, his/her family will never get the benefit of EPF as there is no EPF account in individuals name and also no nomination thereof. We are very much suspected that ~~it~~^{it} may be a part of scandal. We request you to kindly investigate the matter at the earliest.

Thanking you,



**District Secretary
AIGETOA INDORE**

Copy to:

- 1-GMT Indore for kind information pl
- 2-DGM (Admn) for kind information pl
- 3-DGM (Finance) for Kind information pl.
- 4- Public grievance Officer for kind information pl.

TO
The AO (TA)
BSNL Indore

DATE: 02/06/2007

Sub: Regarding providing EPF SSN No. and EPF due drawn

Madam,

This is to state that EPF recovery is still going on without giving any Due Drawn and Statement of it. It should be informed to employee What recovery of which Years have been deducted, before deducting any recovery. Also SSN Number(Social Security Number) should be given to each Employee as Advertisement given in Newspaper by EPFO MP.

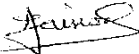
We again request you to look on following points

- 1) To provide the due drawn & Past Statement before making the recovery ~~and~~ And balance sheet in detail individually.
- 2) To provide Social Security Number (SSN) and EPF Passbook to each and every EPF member.
- 3) To solve past Anomalies of Transfer Case Employees.
- 4) To provide Details/Certificates of Family Pension Fund and its amount deducted from EPF.

We are continuously trying to get statement for last Four year but we are still in dark about our money. We have requested several times before in written and verbal but neither Due Drawn was given nor any written correspondent was done.

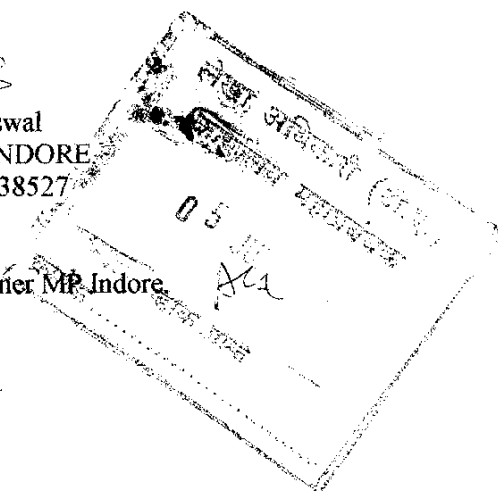
So kindly provide the due drawn of amount to be recovered before making any such recovery. And you are also requested to provide EPF SSN and balance sheet

Thanking you,


Sandeep Jaiswal
OCB TFN INDORE
STAFF NO 38527

Enclosed:

- 1) Advertisement in Newspaper given by EPF Commissioner MP Indore.



16-AUG-05 15:21

SR. DDG (O&M) BSNL. HQ.

23734300

F. 01

CORPORATE ACCOUNTS SECTION-1
1st FLOOR, STATESMAN HOUSE
BARAKHAMBA ROAD,
NEW DELHI - 110 001.
TEL: 2373 4110, 2373 4109 (fax)



भारत संचार निगम लिमिटेड
(भारत सरकार का उपक्रम)
BHARAT SANCHAR NIGAM LIMITED
(A Govt. of India Enterprise)

CIRCULAR NO. 44

No: 500-85/2004-CA II/BSNL/KW

dt. at New Delhi

the 12.08.2005

To
All CGMs
BSNL Circles

Subj: - Introduction of EPF facility to staff recruited directly by BSNL.

Ref: - This office letter no: 1) 500-85/TA-I/BSNL dt.22.03.02
2) 500-85/TA-I/BSNL dt.14.05.02
3) 500-85/TA/IV/KW dt.20.06.03
4) 500-85/2002/CA/BSNL dt.21.04.03

BSNL has already extended the facility of EPF to its directly recruited staff. Instructions in this regard have been issued from time to time through letters under reference.

However it has been brought to the notice of BSNL Management that the circles are not following uniform policy regarding extension of EPF facility to the directly recruited staff of BSNL.

In order to remove all such anomalies, BSNL Board has taken the following decision in its 61st meeting held on July 11, 2005.

- That the benefit of EPF Scheme as per EPF & M.P. ACT 1952, be extended to all the directly recruited employees of the Company, either in temporary or permanent status;
- That the Basic Pay and IDA be taken for calculation of employer's contribution to the EPF;
- That the Company shall pay employer's contribution @ 12 % of monthly basic pay and IDA drawn by each directly recruited employee;
- That the company shall pay employer's contribution at the rate proposed at above, on full basic pay and IDA drawn by each directly recruited employee during each month without limiting the same to Rs.6500 (Rs. Six thousand and five hundred only).
- That during the period of suspension, the Company shall pay 12 % of subsistence allowance (only the elements of Basic Pay and IDA of subsistence allowance) payable to a directly recruited employee on suspension, as employers' share of contribution towards EPF; and
- That Heads of Circles/ Regions/SSA & Units and the DDG (Personnel) in respect of directly recruited employees of the Circles/Regions/SSA & units and Corporate Office respectively are authorized severally to submit request in writing on behalf of the Company, i.e. Bharat Sanchar Nigam Limited (BSNL), to EPF authorities, as required under Paragraph 26(6) of EPF Scheme, 1952."

BSNL authorities will pay the applicable administrative charges to EPF authorities. The concerned employee will pay Employees' contribution @ 12% of monthly basic pay and IDA drawn by him.

It is requested to implement the above-mentioned decision of BSNL Board immediately. Past anomalies, if any, shall be settled in accordance with the decision of BSNL Board mentioned above.

A compliance report regarding implementation of Board's decision should be sent to this office for submission of 'Action taken report' to the Management of BSNL.

A. S. Ray
(A. S. Ray)
DDG (CA)

Copy to:-

- 1) OM (FY) IFAs of all BSNL Circles: for necessary action.
- 2) DDG (Personnel), CO.BSNL: for necessary action.
- 3) CAO (TCO/CPAQ/ITI Bill/ADG(R&P) CO.BSNL: for necessary action

ANNEXURE-5
dated 18.07.2006

19

No: 500-85/CA II /BSNL/EPF/Vol II

To

All the COMs,
BSNL Circles,

Sub: Recovery of Arrears of EPF Contribution from the employees recruited by BSNL directly.

Ref: Letter no. 500-85/2004-CA II/BSNL/KW dated 12.08.2005.

Kindly refer to the above mentioned letter in which it was requested to implement the board decision regarding extension of the benefit of EPF to all the directly recruited employees of the company either in temporary or permanent status. As per decision taken by BSNL Board, the employer i.e. BSNL will contribute @ 12 % of full Basic Pay & IDA of employee without limiting the same to Rs. 6500/-. The directly recruited employee will also pay matching contribution at the same rate. Further it was requested to settle the past anomalies if any, in accordance with decision of the BSNL Board.

For settlement of past anomalies, both employer and employees will have to pay the difference between the contribution already paid and actually payable for the past period in one installment. In this regard employees and their association have expressed difficulties in paying the difference for the past period in respect of employees share of contribution in one installment.

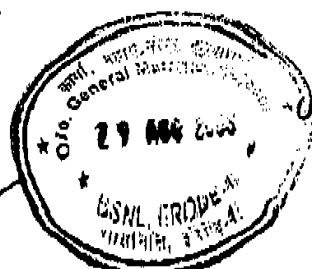
In order to mitigate the hardship of employees it has been decided that BSNL will pay the arrears of contribution toward employee's share, in one installment to EPF on behalf of the employees. Thereafter the said amount will be recovered from employees' salary in six monthly installments. No interest will be charged to employees for such advance payment. While making the payment of arrears towards employees share of contribution, the accode 118009 will be debited. The recovery from salary shall be credited to the said Accode. An Undertaking shall be obtained from the employee concerned to secure the payment made by BSNL on their behalf, to the effect that -

"I hereby undertake to repay the amount of Rs. contributed by BSNL on my behalf on account of employee's contribution in six equal monthly installments to the concerned unit of BSNL. The repayment will be effected through adjustment against the monthly salary payable to me. In case of my resignation from service, I will pay the balance amount in lump sum through D/D or adjusted against any dues payable by BSNL to me."

Pravin
(P K Pravin)
HRG P A

Copy to All Circle IFAs, BSNL, circles for kind information

Regd. Office: Shrihar Bhasan, 20, Ashoka Road, New Delhi-110 001
Corporate Office: B-145, State Secretariat, Barakhamba Road, New Delhi-110 001 Website: www.bsnl.co.in



BEARATH SANCHAR NIGAM LIMITED
[A GOVT. OF INDIA ENTERPRISE]
O/O THE CGM, TAMILNADU CIRCLE, BSNL,
CHENNAI 2

TO
Accounts Officer (Drawal)
O/o PGM / GM / E.E Civil / Elect.
DCM(TI) CVFT / CMTS

Erode

TAC/BSNL/EPF-ARRERS RECOVERY / 2006-07 / 19 DATED 26 / 08 / 06

Sub: Recovery of EPF arrears payment - reg.
Ref: Corporate Office New Delhi Lr.No.500-85 / CA II / BSNL/EPF/Vol II
DL.18.07.06. (Copy enclosed)

Kindly refer to the above referred letter wherein BSNL Corporate Office has directed to recover arrears EPF from the salary of directly recruited employees from the date of appointment to Aug '05 for remittance to EPF Organization at 12% of full Basic Pay + DA without restricting to Rs.6500/-. Hence you are requested to workout the arrears of EPF contribution for the directly recruited employees from the date of appointment in the enclosed proforma and sent to this office by 30.09.06 so that the same may be remitted along with September '06 salary recovery. The arrears may be recovered in six monthly installments starting from September '06 salary. While sending the schedule, the following J.S. may be sent to this office

DEBIT	1180 999	OTHER ADVANCES
CREDIT	1990 238	(R & S)

An undertaking shall be obtained from the employee concerned to secure the payment made by BSNL on their behalf to the effect that:

" I hereby undertake to repay the amount of Rs.----- contributed by BSNL on my behalf on account of employees contribution in six equal monthly installments to the concerned unit of BSNL. The repayment will be effected through adjustment against the monthly salary payable to me. In case of my resignation from service I will pay the balance amount in lump sum through D/D or adjusted against any Dues payable by BSNL to me. Further, I will not claim any interest for the arrear Payment (i.e.) from the date of joining to the date of payment".

Encl: 2

[Signature]
Chief Accounts Officer (CA)

pf

H9

O/o Deputy General Manager
Maintenance.
Southern Telecom Sub Region.
6th Floor, Flower Bazaar Telecom
Building, Chennai – 600 001.

भारत संचार निगम लिमिटेड
(भारत सरकार का उद्यम)
BHARAT SANCHAR NIGAM LIMITED
(A Govt. of India Enterprise)

सं/No DGMM/CNI/Confid/Gen/07-08/

dated @ Chennai the. 24-7-07

सम्बन्ध में /To Sri Surinder Kumar JAO.
%Dy General Manager, Mtce, STSR,
5th Floor, FBR Telecom Building (Old)
N.S.C. Bose Road.
Chennai-600001.

(Thro' A.O.(Cash), % DGMM, STSR, Chennai)

विषय/ Sub: Meeting EPF authorities without permission.

With reference to your letter dt. 16-7-07, the undersigned has not granted permission for meeting EPF authorities as your earlier representations in this regard is already pending with BSNL corporate office.

In spite of not granting permission, it is understood that you have met the EPF authorities on 24-7-07 which amounts insubordination and disobedience of the instructions and highly unbecoming of an officer. Explain why disciplinary action should not be initiated against you for the above act of misconduct and insubordination under BSNL Conduct Discipline and Appeal Rules 2006 – Rule 5(5) and Rule 13. Your explanation should reach within 3 days of the receipt of this letter.

/एन. रघुरामन/N.Reguraman/

उ.म.प्र.अ.छ.दु.उ.क्ष/DGMM STSR

चेन्नै/Chennai-600001.

Cc:GMM,STR,Chennai
Cc:DGMM(Finance),% CGM,STR,Chennai
Cc:G.A.O.: % GMM,STR,Chennai

Website: www.epfochennai.mil.in
 E-mail: epfo_chennai@yahoo.co.in
 E-mail: epfochennai@doctone.in



दूरभाष / Tel: 044 - 2818 2700
 दूरभाष / Fax: 044 - 2818 2182
 टेलीग्राम / Telegram: एम्प्लोई प्रोविडेंट फंड ऑर्गनाइजेशन
 Chennai/India

कर्मचारी भविष्यनिधि संगठन / EMPLOYEES' PROVIDENT FUND ORGANISATION
 (अम संत्रालय, भारत सरकार) / (GOVT. OF INDIA, MINISTRY OF LABOUR)
 क्षेत्रीय कार्यालय / Regional Office
 37, रायपेट्टा हाई रोड, चेन्नै - 600 014 / 37, Royapettah High Road, Chennai - 600 014

Dt: 7.2.08

CC II/E1/TN/50267/Enf/Regl/08

To
 Sh. Surinder Kumar,
 EPF Account No. TN/50267/37,
 Sri Murugan Mansion,
 No. 17&18, Abdullah Street,
 Choolaimedu,
 Chennai - 600 094
 Mobile: 09444904067

NAME AND ADDRESS OF THE EMPLOYER

Accounts Officer (Cash)
 EPF Registration No. TN/50267 (Group MD) FUA
 5th Floor, Southern Telecom Sub-Region,
 Bharat Sanchar Nigam Limited,
 Flower Bazar, Telephone Exchange Building,
 NSC Bose Road,
 Chennai - 600 001

Sir,

Ref: Your complaint dt 24.7.2007

With reference to your complaint letter submitted to this office on 24.7.2007, it is informed that in due course of 7A enquiry, your matter has been taken up before the authority of M/s. Bharat Sanchar Nigam Ltd., based on the documentary evidence before the undersigned.

The undersigned has directed M/s. BSNL vide letter No. CCII/E1/TN/50267/Enf/Regl/07 dt: 18.9.2007 to refund the retrospective deduction of contribution made from the employees' salary within fifteen days as it was a gross violation of para 32 of Employees' Provident Fund Scheme.

They were also directed to submit the joint declaration in the prescribed proforma for contribution in EPF over and above Rs. 6500.00

Yours faithfully,


 (MANOJ KUMAR)
 ASST. P.F. COMMISSIONER (C&R)

59
BY SPEE

Telegram: Bhavishyanidhi

Telephone: 28130081
Fax : 28132188



EMPLOYEES' PROVIDENT FUND ORGANISATION
(Ministry of Labour, Government of India)
REGIONAL OFFICE, CHENNAI REGION
37, Royapettah High Road, Chennai-600014

No. CC2/1/TN/50267/Ent/Regl/2008

Dated: 26.5.2008

To

Sri Surinder Kumar,
Sri Murugan Mansion,
17 & 18, Abdullah St.
Choolaimedu,
Chennai 600 094.

Sir,

Sub: Employees Provident Fund and Miscellaneous Provisions Act, 1952 -
Review under Section 7B of the Act - Disposal of the representation in
respect of Surinder Kumar, (TN/50267/37) - Reg.

Ref: Your representation dated 21.5.2008.

The BSNL, Southern Telecom Region, has made an appeal against the order made under Section 7A of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 and on admitting their appeal the review enquiry under Section 7B of the Act is proposed to be conducted.

Earlier, the 7A enquiry was conducted based on the report generated by the Computerised Compliance Tracking System (CCTS) and not on the basis of your complaint dated 24.7.2007.

It is therefore informed that there is not provision in the rules to include you as a party in the review enquiry.

If you have any other issue to represent, you can do so in writing, which will be suitably replied.

Yours faithfully,


MANOJKUMAR
ASST.P.F.COMMISSIONER (C&R)

E.P.F. ORGANISATION. CHENNAI.

JAT SANCHAR NIGAM LIMITED
 (A Govt. of India Enterprise)
 Southern Telecom Sub Region
 Flower Bazaar Telephone Exchange, Chennai - 600 001

No. CGMM/STR/CNT/RTGS/2008-09/

Dated 22-07-2008

TO

The Accounts Officer (Cash),
 O/o GM/NMS
 Chennai 600 039.

Sub: Adjustment of Employees contribution recovered from
 The employees those who have not given undertaking
 For the recovery of arrears of employees contribution- reg.

Ref: Letter from Asst. Commissioner EPF(C&R)
 Letter addressed by this office to GM(Finance) dt. 28/5/08
 Letter received from CAO(Finance), O/o CGMM/STR/CNT.
 Letter received from Sr.AO(Cash), O/o COMM/STR/CNT-32

With reference to the above four letters (Copies enclosed), it is
 instructed that the arrears of employees share recovered from
 Sri. Surinder Kumar, JAO who have not given undertaking for the recovery of
 arrears may be adjusted in future payment of the employee's share of ISPF
 payable by the employee concerned. The official may be informed accordingly.


 DY. GENERAL MANAGER(M)
 S.T.S.R., CHENNAI 600 001

Encl: As above

Copy to:

1. General Manager (Finance),
 O/o CGMM/STR/Chennai 600 001.

✓ 2. General Manager (NMS)

FROM: AGM ADMIN
TN CIRCLE

22318102
FAX NO. : 28520484

Aug. 18 2008 11:31AM P1

BHARAT SANCHAR NIGAM LTD.
(A Government of India Enterprise)
SEA Branch, Corporate Office
7th Floor, Bharat Sanchar Bhawan,
Harish Chand Mathur Lane, Janpath
New Delhi - 110 001.

No. 4-1/2008-SEA
Dated: 12.08.2008

Subject: Transfer and posting in the grade of JAO - reg.

Shri Surinder Kumar, JAO (Staff No. 183494) who is working at STR (pool of TNT Circle), is hereby posted to Tamilnadu Circle with immediate effect. He is not entitled to TATP and joining time.

Necessary charge report may be sent to all concerned including AO (SEA) CO BSNL.

Prema Krishnamachari
(Prema Krishnamachari)
Assistant Director General (SEA)

Copy to:

1. The Chief General Manager / Circle IFA, Bharat Sanchar Nigam Limited, (A Government of India Enterprise), STR, Chennai for information and necessary action.
2. The Chief General Manager / Circle IFA, Tamilnadu Circle for information and n/a.
3. Sr. ODG (F.P)/Jt. ODG (SEA), CO BSNL.
4. The officer concerned through the controlling authority.
5. Spare/Guard File.

18/8
18/8
18/8
18/8

18/8

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Friday, the Twenty Ninth day of August Two Thousand Eight

PRESENT

THE HON'BLE MR.JUSTICE N.PAUL VASANTHAKUMAR

MP No.2 of 2008

IN WP.21370/2008

SHRI SURINDER KUMAR
MURUGAN MANSION, 17/18,
ABDULLAH STREET, CHOOLAIMEDU
CHENNAI-94

[PETITIONER]

Vs

1 THE ASST. DIRECTOR GENERAL(SEA) [RESPONDENTS]
BSNL, REGD.OFF.AT 7TH FLOOR, BHARAT SANCHAR
BHAVAN, HARISH CHANDRA MATHUR LANE, JANPATH,
NEWDELHI-110001

2 BHARAT SANCHAR NIGAM LTD.,
OFFICE OF CHIEF GENERAL MANAGER (MTCE)
SOUTHERN TELECOM REGION,
11, LINK ROAD, GANAPATHY COLONY,
CHENNAI-32

3 BHARAT SANCHAR NIGAM LTD.,
OFFICE OF THE CHIEF GENERAL MANAGER
TAMILNADU TELECOM CIRCLE
80,ANNA SALAI, CHENNAI-2.

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to interim Stay of the operation of the impugned letter of transfer issued by the 1st respondent dt 12.8.2008 bearing No.4-1/2008-SEA received by the petitioner on 20.8.2008 transferring me with immediate effect to the office of GM Telecom, cuddalore and the consequent letter of posting issued by the 3rd respondent dt 18.8.2008 bearing memo No.TSA(F)/44-7/2008 received by the petitioner on 20.8.2008 and the consequent letter of relieving issued by the 2nd respondent dt 27.8.2008 bearing No.COM/STA/T & P/JAO/2008-09 received by the petitioner on 20.8.2008 giving effect to the letter of transfer issued by the first respondent pending WP.21370/08

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.V.P.RAMAN, Advocate for the petitioner the court made the following order:-

Au006902

In view of the mala fides raised against the respondents in the affidavit filed in support of the writ petition, challenging the order of transfer and having regard to the fact that as per the petitioner's additional affidavit, dated 29.8.2008, no other person is appointed/posted in the petitioner's post, in which he was holding as on the date of impugned order of transfer, there shall be an interim stay. Notice returnable in four weeks. Private notice permitted.

-sd/-

29/08/2008

/ TRUE COPY /

M. Shanti | 29.8.08
for Sub Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE ASST. DIRECTOR GENERAL (SEA
BSNL, REGD.OFF.AT 7TH FLOOR, BHARAT SANCHAR
BHAVAN, HARISH CHANDRA MATHUR LANE, JANPATH,
NEWDELHI-110001

2 BHARAT SANCHAR NIGAM LTD.,
OFFICE OF CHIEF GENERAL MANAGER (MTCE)
SOUTHERN TELECOM REGION,
11, LINK ROAD, GANAPATHY COLONY,
CHENNAI-32

3 BHARAT SANCHAR NIGAM LTD.,
OFFICE OF THE CHIEF GENERAL MANAGER
TAMILNADU TELECOM CIRCLE
80, ANNA SALAI, CHENNAI-2.

C.C. to M/S.V.P.RAMAN Advocate on payment of necessary charges

Order

in
MP.2/2008

in
WP.21370/2008

Date : 29/08/2008

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format
as 29/08/2008 IT

Au0069028

All India Graduate Engineer Telecom Officer Association
MP Telecom Circle Bhopal, SSA-Indore
(An Association of Gr. Er. Teelecom Officer of BSNL/MTNL)
website:www.aigetoa.org
e-mail:join@aigetoa.org

District Secretary
Tapan Twari
9425001722

District President
Sandeep Jiaswal
0731-2360000

=====

Date: 03/11/2006

To
EPF Commissioner
EPFO INDORE

Sub: Serious Violation of EPF Norms by account wing of BSNL Indore

Sir,

Most humbly and respectfully I wish to bring into your kind notice that the Account wing of BSNL, Indore violates EPF Norms/Rules. I want to submit you the following facts, which will explain everything:

1. BSNL is PSU established in 01.10.2000 and we are recruited by BSNL in 2001 and 2002. As per BSNL rules the employees recruited by BSNL itself will be covered under EPF.
2. BSNL rule says the BSNL recruited employee will contribute 12% of its basic and IDA and BSNL will contribute 13.16% of the Basic and IDA of the employee for the EPF.
3. This policy was circulated to all concerned Accounts Officers in the march 2002, and BSNL H.Q. also sent many reminders to them for implementation of EPF policy for BSNL recruited employees time to time.
4. But it is worth mentioning that right from our joining (Oct'2001) to feb '2003 nothing was done from account side in the name of EPF. Although we kept on following up the concerned Officers, but of no use.
5. From March'2003 account wing started deducting Rs.1186/- per month (unknown calculation) till may 2004 there after 780/- per month (12% of Rs.6500/-) from our salary in place of 12% of our actual Basic (9850/-) + IDA as per BSNL Ruling without disclosing our EPF Account No. When we approached our finance wing for this irregularity they explained us that EPF cannot accept more than Rs.780/- as employee EPF contribution. They ignored the order issued by BSNL Head quarter. This continued till sep'2005.
6. From sep'2005 on our constant follow ups account wing started deducting our EPF contribution as per BSNL ruling after reminder issued by BSNL Head quarter vide letter no 500-85/2004-CAII/BSNL/KW dated 12.08.05. On pursuing regarding our past anomalies, which were deducted improper no proper response was given. Suddenly in the month may 2006 we found that there is lump sump deduction from our salary in the name of past EPF recovery without any information that was not affordable to us.
7. While BSNL H.Q. communicated clear rules to Circles regarding EPF contribution but Accounts wing of Indore didn't deducted EPF contribution properly at proper time even we have given many written request to deduct proper contribution. There was proper deduction in many part of the country/state in BSNL itself and we have supplied there salary slip to our account wing for there ready reference but Account wing of Indore intensely defaulted in deducting our EPF contribution at proper time. Our contribution arrear should also be paid by BSNL only and if possible it should be deducted from the salary of the erring Account wing, who harassed us and still harassing Now why should we pay our past contributions from our present salary?
8. As we came to know form EPF book that employee contribution towards EPF must be recovered from the wage of that particular month only if it could not be recovered the whole responsibility will be of employer. All the past recovery

must be paid by employer (BSNL in this case) itself for both the contribution i.e. employer and employee. It cannot be recovered from employee. We have supplied these rulings to our account wing to stop the further recovery but of no use.

9. We are still unknown whether BSNL is contributing its part or not, whether our amount is being deposited in EPF board properly or not because till date we have neither received EPF account number nor any statement of our EPF Account in spite of our many request in written. In such a way they are playing with our future.

Request your good self to kindly initiate an enquiry on this serious irregularities being done by the Accounts wing Indore. We have full faith in EPFO and we are very much hopeful to get justice soon.

Thanking you,

District Secretary

AIGETOA INDORE

(On behalf of all aggrieved BSNL Recruited GE-JTO)

BIZ BUZZ

Indore Bank likes interest rates

STATE BANK of Indore will offer increased interest rate of up to 8.51 percent on deposits before January 15, 2007. The interest will be paid every three months. The customers will also get accidental insurance worth Rs one lakh free fixed deposit of Rs one lakh. State Bank of Indore is the only bank in Madhya Pradesh and Chhattisgarh with 100 percent core banking branches. It offers round the clock facility with a network of more than 5500 ATMs. The Bank provides regular technical updation for the benefit of the customers.

BSNL asked to give EPF details

AJL, C.DIA Graduate Engineer Telecom Officer Association has demanded account details of the Employees Provident Fund from BSNL accounts department after finding irregularities in the system recently. Association district secretary Tapan Tiwari said that around 6,000 junior telecom officers were recruited by the BSNL in 2001 and 2002 on the provision of EPF. Even after deducting EPF amount for years, the BSNL has no account details of these junior employees. Tiwari informed that the employees had demanded the details from accounts department many times but did not get any response. Even the higher official did not pay any heed to the complaints. The association found out from the EPF office that BSNL had not opened accounts of employees and was a defaulter in the EPF list. The association members have demanded BSNL to refund the amount deducted from their salaries on the name of EPF and punish the persons responsible for the irregularities in account maintenance.

Airtel subscriber wins Ford Ikon

RAKESH KUMAR Richariya of Chhattarpur and Vinay Singh Dumar from Gwalior were declared winners of Airtel Live Portal contests recently. Richariya won Ford Ikon Flair and Dumar won Maruti E-Team. Bhatti Airtel vice president (Madhya Pradesh and Chhattisgarh) said Airtel fixed line would bring more exciting contests like these for customers. Just Lo' contest is

150 करोड़ के ईपीएफ का हिसाब नहीं

बीएसएनएल इंजीनियरों ने सरकार पर धावाधड़ी का आरोप लगाया

बस्कर सिंह रावत इंदौर। बीएसएनएल के पिछले इंजीनियरों ने सरकार पर ईपीएफ के हिसाब की करोड़ रुपए की धावाधड़ी का आरोप लगाया है। इनका कहना है सरकार ने पिछले दो तिमाहों में 2000 रुपए से कम की इंदौर वटा फिर अपना कर 5000 रुपए को ले लिया। रावत ने कहा कि वे अपने नंबर न हिसाब दे रहे हैं और अपना नंबर मांग रहे हैं। उन्होंने 30 और देश पर लगभग 100 रुपए दे रहे हैं। प्रेमचंद, इंदौर। बीएसएनएल के कर्मचारियों ने बताया कि वे पिछले दो तिमाहों में 200 रुपए तक प्रत्येक इंजीनियर को संचालन राशि दे रहे हैं। जमा होकर चांसिंग जमा कर 6000 रुपए तक 150 करोड़ जमा है। जिला सचिव ने कहा कि वे नंबर मांग रहे हैं। कर्मचारियों के नाम कोई खाता नहीं है। महाप्रबंधक जे. जे. सिंह रावत भागलपुर का कहना है कि वे देश पर के इंजीनियरों से बच रहे हैं। वे सरकार पर धावाधड़ी करने के बाद जमा राशि को सरकार से ले रहे हैं। देश के इंजीनियरों का अकाउंट भी है और जमा राशि का हिसाब भी। कोई नंबर मांग रहे हैं।

बीएसएनएल में करोड़ों के ईपीएफ का धमका

इंदौर, 11 जनवरी। मध्य प्रदेश के बीकड़ों की एस.एन.एल. ग्रुप की एस.एन.एल. द्वारा 2001 से कार्यवाही के प्रमाणों की पी.एफ. का हिसाब मांग रहे हैं। 6000 से भी अधिक इंजीनियरों के करोड़ों रुपए का हिसाब-किताब न मिल रहा है और न कर्मचारियों को खाता नंबर दिया गया है।

करोड़ों के गोलमाल के खिलाफ टेलीकॉम इंजीनियरों की अलि इंदिया ग्रुप एस.एन.एल. टेलीकॉम आफिसियर्स एसोसिएशन ने अपनी मांग प्रस्तुत करते हुए बी.एस.एन.एल. मैनेजमेंट को आग्रह किया है कि हजारों ग्रुप एस.एन.एल. के खाता नंबर व जमा राशि की जानकारी दी जाए नहीं तो वे अग्र-वहिसाब मांगने सरकार पर उठेंगे। एसोसिएशन का प्रमुख परिमंडल सचिव आर.पी. माह ने यह मांग करते हुए कहा है कि प्रतिमाह कटनेवाले ई.पी.एफ. के स्थान पर पुनर्निर्माण के नाम पर मनमाने ढंग से रु. 5 हजार प्रतिमाह तक की रकम काटी जाती है व को 6000 से 7000 रुपए की रकम भी काटी गई है। अनेक बार लेखा विभाग को इस गोलमाल की शिकायत की गई लेकिन विभाग ने कार्रवाई नहीं की।

यहां तक कि ई.पी.एफ. ऑफिस में पता करने पर पता चला कि कर्मचारियों के नाम पर कोई खाता नहीं है। एसोसिएशन के जिला सचिव जयन तिवारी एवं जिला अध्यक्ष संदीप जायसवाल ने मांग की है कि जब ई.पी.एफ. अधिकारी व लेखा विभाग कह रहा है कि ई.पी.एफ. नाम से कोई खाता नहीं छोले गए है तो करोड़ों की काटी जा रही यह भारी भ्रम का प्रमाण कि इस खाते में जमा हो रहा है। आपने कहा कि काटी गई राशि करोड़ों के धमके का संकेत देती है। इस संदर्भ में बी.एस.एन.एल. की तत्काल कार्रवाई कर कर्मचारियों को उनकी काटी गई रकम का हिसाब देना चाहिए।

...तो बीएसएनएल होगा ठप

ईपीएफ राशि के मामले में इंजीनियरों ने दी प्रदर्शन की धमकी

राज नरेश नेटवर्क

इंदौर। सरकारों की कंपनियों बीएसएनएल के इंजीनियरों ने विभाग पर उनकी करोड़ों रुपए की राशि धोखा से हड़पने का आरोप लगाया है। अपनी धमकी का कोई हिसाब न मिलता देगा अब इंजीनियर विभाग के खिलाफ सदकों पर प्रदर्शन करने जा रहे हैं। अगर ऐसा होता है तो प्रदेश भर में बीएसएनएल को सेवाएं उपरो जाएंगी।

अलि इंदिया ग्रुप एस.एन.एल. टेलीकॉम ऑफिसर्स एसोसिएशन के अनुसार वर्ष 2001 से विभाग हर माह में अपने इंजीनियरों के वेतन से हजारों रुपए की धमकी ईपीएफ के

के लिए जब कर्मचारी ईपीएफ कार्यालय गए तो बताया गया कि वहां कर्मचारियों के नाम से कोई खाता ही नहीं खोला गया है और उक्त राशि का साथ रिकॉर्ड हो विभाग से मांग रहे हैं। ईपीएफ के नाम पर काटी गई करोड़ों की इस धमकी को बहा जमा किया गया, यह भी किसी को पता नहीं। ऐसे में प्रदेश भर में इंजीनियर अब बीएसएनएल पर धावाधड़ी और प्रदर्शन का आरोप लगा रहे हैं।

एसोसिएशन के जिला सचिव जयन तिवारी ने बताया कि प्र.सं.सं. में विभाग का हर माह अधिकारी जमा देने से बच रहा है, ऐसे में उनका प्रकरण करोड़ों के धमके का संकेत है

यदि हमारे वेतन से काट रहा है तो हमें उसका पूरा हिसाब क्यों नहीं दिया जा रहा।

बी.तिवारी ने चेतावनी दी है कि अगर जल्द ही पूरे प्रकरण की जांच कर पैसे का हिसाब नहीं दिया गया तो प्रदेश के सभी इंजीनियर अपने एक के लिए आंदोलन करेंगे और मांग कामकाज ठप कर दिया जाएगा। उन्होंने मामले में दोषी सभी कर्मचारियों के खिलाफ भी कार्रवाई मांग की है। नॉन टेक्निकल स्टाफ केंद्रीय युनियनों के आह्वान पर हड़ताल कर चुका है। लेकिन अब नवंबर अगरी नहीं बढ़ा था। अब तकनीकी कर्मचारियों की हड़ताल



कर्मचारी भविष्य निधि संगठन
EMPLOYEES' PROVIDENT FUND ORGANISATION,

श्रम मंत्रालय भारत सरकार,
(Ministry of Labour, Govt. of India),

क्षेत्रीय कार्यालय, 7, रेसकोर्स रोड,
Regional Office, 7, Race Course Road,

Phone No. R.C. I : 0731- 2531923 Fax : 0731- 2531923, PRO : 0731 - 2540057,

इन्दौर (मध्यप्रदेश)

R.C. (E&R): 0731- 2435669 Fax : 0731- 2435669, A.C. (Enf.): 0731- 2541603.

INDORE (M.P.)

No.PFC/MP/17087/Enf. /1270

Date 21/1/08

To,

Shri R.P.Sahu
General Engineer
111/110 Doordarshan Colony
Navratan bagh, Indore

Sub: Serious violation of Employees Provident Fund ^{in premises} houses regarding.

Sir,

With reference to your complaint on the cited subject the grievances have been settled during the proceedings U/s 7A and the Provident Fund Contribution on salary exceeding Rs.6500/- have been deposited by the establishment i.e. BSNL from respective dates. Annual account slips have also been issued upto 2006-07.

Your faithfully

[Signature]

Assistant P.F. Commissioner
Madhya Pradesh, Indore

All India Graduate Engineer Telecom Officer Association
MP Telecom Circle Bhagalpur BSNL-Indore

(An Association of Gr. Er. Telecom Officer of BSNL/MTNL)

Website: www.aigetoachq.org

e-mail: join@aigetoachq.org

Joint Secretary (Central)

R P SHAHU

III/10- Doorsanchar Colony

Navratan Bagh, Indore

MOB- 094240-51555

To

The Assistant P.F. Commissioner
 Madhya Pradesh, Indore

Dated: 15/02/2008

Reference: PFC/MP/17087/Enf./1270 dated 21/01/2008

Subject: Serious violation of employee provident fund norms regarding

Sir,

In continuation of my EPF complain I receive a letter mentioned in reference from your side in which it is mention that grievances have been settled during proceeding U/s 7A and the provident contribution on salary exceeding Rs 6500/- have been deposited by the establishment. I want to mention here that my complain was based on two violation of EPF norms

- 1- Short deposit of EPF amount and not providing the EPF account number and yearly statement.
- 2- Recovery of short deposit from employee's salary from retrospective date violating the Para-32 of EPF Act.

More or less my first complain has been shorted out i.e. account number and statement has been issued but short deposit has been deposited in our account by recovering from employees salary which should not be permitted as Para-32 of EPF Act.

BSNL has already agreed to contribute 12% of full basic and DA without any limitation on 6500/- as the part of service condition and orders/reminders has been issued time to time but local authority did not follow. We have also written many times to contribute as per the corporate terms and condition but local authority of BSNL did not pay any attention on the orders and arbitrarily contributed the amount less then the applicable amount. Local authority dint contribute any amount till Feb-2003 and less amount has been contributed from march-03 to Aug-05.

Our Chennai fellow had file the same case and EPF commissioner Channai has issued the order to BSNL Channai to refund the whole amount which had been recovered with retrospective date from employee's salary. The EPF commissioner Indore in the case of A.K.V.N. had also issued similar order few months ago.

So I request your good self to pass the similar order to BSNL Indore to refund the amount, which has been recovered with retrospective date from the employees salary, for the welfare of BSNL employee.

With Regds

On behalf of GE-JTOs Indore



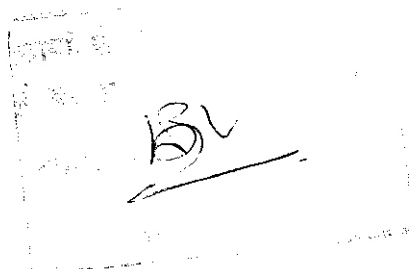
R P SAHU

III/10- Doorsanchar Colony

Navratan Bagh Indore

MP-452001

Mobile 094240-51555





CONFIDENTIAL

**OFFICE OF THE DEPUTY DIRECTOR (VIGILANCE),
WEST ZONE,**

**EMPLOYEES' PROVIDENT FUND ORGANISATION,
(Ministry of Labour, Govt. of India)
341, BHAVISHYA NIDHI BHAVAN, BANDRA (E),
MUMBAI - 400 051**

**Gram: Bhavishya
nidhi Mumbai**

**Tel No: 2647 0010/2647 0011
Fax No: 2647 0020**

E-mail:- ddvigwz@yahoo.com , ddvigwz@rediffmail.com

No.Vig(WZ)52(52)07/ 278

Dated : 19 JUN 2008

To

The Regional PF Commissioner(I)
Regional Office
MP

Sub : Violation of EPF norms by BSNL, MP –
Complaint from Shri R.P. Sahu.

Ref : This directorate letters no. :

- i) Vig(WZ)52(51)07/105 dt.14.05.07
- ii) Vig(WZ)52(52)07/429 dt.27.08.07
- iii) Vig(WZ)52(52)07/547 dt.08.10.07
- iv) Vig(WZ)52(52)07/845 dt.16.01.08

Sir,

Please refer to the complaint of Shri R.P. Sahu, ^{Joint} General Secretary of All India Graduate Engineer Telecom Officers' Association dated 15.2.08 addressed to you and further correspondence in the matter resting with this directorate.

The case file of BSNL Indore in respect of 7A proceedings at RO Indore has been received in this directorate and examined. The case records indicate that 7A inquiry in the case was initiated on the basis of the complaint received from office bearers of All India Graduate Engineer Telecom Officers' Association. The complainants had specifically stated that the past arrears of employees' contribution are being deducted from their current salaries by BSNL. The inspection report dated 15.1.07, at para 4 also confirms the allegations w.r.t. recovery of past contributions from current salaries. Specific grievance towards violation of para 32 of EPF Scheme was raised by the complainants. The final order in the 7A proceedings dated 7.8.07, vide which the proceedings have been dropped has not dealt with this question at all. It appears that 7A authority has committed serious error in fact and in law in dropping the proceedings without looking into the factum of recovery of the past arrears of

contribution from the current salaries inspite of specific allegations to the effect which were also supported by the inspection conducted by the department.

The case record also indicates that the complainant has raised specific issue of such recovery being contrary to the provisions of para 32 of the EPF Scheme. Such contention has not been contravened in the 7A order and the proceedings have been dropped even without affording opportunity to the complainant to advance his reply on the statements submitted by the establishment. The case has been closed on the same day (07.08.07) on which the establishment has submitted the statement of PF paid.

On the whole, it is felt that the proceedings u/s 7A have left much to be desired.

You are requested to consider rehearing of the case to ensure that appropriate orders are passed in the matter in accordance with law. The case file of the establishment received by hand through Shri Anirudh Anand, SS is being returned for appropriate action at your end.

Action taken in this regard may kindly be intimated to this directorate expeditiously.

Kindly acknowledge receipt.

Yours faithfully,

Amit 19/6/08
(Amit Vashist)
 Dy. Director (Vigilance)
 West Zone

✓ Copy to : Shri R.P. Sahu,
 Joint Secretary (Central)
 All India Graduate Engineer Telecom
 Officers' Association
 III/10-Doorsanchar Colony
 Navratan Bag, Indore..... He is advised to get in contact with
 RPFC (MP) for further action in respect of his complaint. In case of any
 further grievance, he may contact this directorate again.

Amit 19/6/08
(Amit Vashist)
 Dy. Director (Vig), WZ



कर्मचारी भविष्य निधि संगठन
Employees' Provident Fund Organisation
 (अम एवं रोजगार मंत्रालय, भारत सरकार)
 (Ministry of Labour & Employment, Govt. Of India)
 (मुख्य कार्यालय) / Corporate Headquarters
 भविष्य निधि भवन, 14 भीकाएजी कामा प्लेस, नई दिल्ली - 110086.
 Bhavishya Nidhi Bhawan, 14-Bhikaiji Cama Place, New Delhi-110066



No. C.IV/7(6)08/HR/NZ/

Dated:

To

The DDG (CA),
 Bharat Sanchar Nigam Ltd.,
 11th Floor, Statesman House,
 Barakhamba Road,
 New Delhi - 110 001.

13 MAR 2009

Sub: Introduction of PF facility to staff recruited directly by BSNL - reg.

Sir,

Please refer to your letter No. 500-85/2004-CA II/BSNL/KW dated 12.8.05 regarding introduction of PF facility to staff recruited directly by BSNL.

In this connection, it has been brought to the notice of this office that BSNL has recovered the past period contribution from the current wages of your employees. This is against the provisions of Para 32 of the Scheme.

You are therefore requested to refund the contribution already recovered for the past period to the concerned employees and report compliance.

Yours faithfully,

(P. Sudhakar Babu)

Addl. Central PF Commissioner (Compliance)

Copy to:

1. All RPFCs, In-charge of the regions. They should ensure compliance of the above decision.
2. Sh. R. P. Shahu, General Secretary, AIGETOA, 3/10, Doorsanchar Colony, Navratan Bagh, Indore, Madhya Pradesh w.r.t. his representation dated 20.11.08.



कर्मचारी भविष्य निधि संगठन
Employees' Provident Fund Organisation
 (श्रम एवं रोजगार मंत्रालय, भारत सरकार)
 (Ministry of Labour & Employment, Govt. Of India)
 (मुख्य कार्यालय) / Corporate Headquarters
 भविष्य निधि भवन, 14 भीकाएजी कामा प्लेस, नई दिल्ली - 110066.
 Bhavishya Nidhi Bhawan, 14-Bhikaiji Cama Place, New Delhi-110066

No. C.IV/7(6)08/HR/NZ/

Dated:

To

Sh. P. K. Purwar,
 General Manager (CA),
 Corporate Accounts Section,
 Bharat Sanchar Bhawan,
 Harish Chandra Mathur Lane,
 Janpath, New Delhi - 110 001.

17 JUL 2009

Sub: PF facility to the staff directly recruited by BSNL.

Sir,

Please refer to your letter No. 500-85/CA II/BSNL/EPF/Vol. III dated 14.5.09 on the above subject.

The matter has been examined in this office. It is stated that by way of an understanding with the union / association, the establishment has agreed to pay the employer's share over and above the statutory limit of Rs. 6,500/-. Hence, the management is bound to bear the extra burden on account of payment of employer's share. Further, the non-deduction of contribution from the wages of the employees is not a clerical error as per Para 32 of the EPF Scheme, 1952. Extending of advance from the member's account is your own administration arrangement, which cannot override the provisions of the Scheme.

You are, therefore, requested to implement the decision communicated vide this office letter No. C.IV/7(6)08/HR/NZ/105541 dated 13.3.09. Action taken in this regard may kindly be intimated to this office.

Yours faithfully,

(P. Sudhakar Babu)

Addl. Central PF Commissioner (Compliance)

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