



कर्मचारी भविष्य निधि संगठन

(श्रम एवं रोजगार मंत्रालय, भारत सरकार)

EMPLOYEES' PROVIDENT FUND ORGANISATION

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

मुख्य कार्यालय / Head Office

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

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

**RTI MATTER /
TIME BOUND
MOST URGENT**

No. C-Ex/3(3)08/BR/Ex./EZ/RTI/3180

Dated: 26 MAY 2011

Sub: Supply of information under Right to Information Act, 2005.

Whereas Sh. M. P. Srivastava has made a request in writing vide his application dated 10.05.11 for obtaining information under Section 6(1) of the RTI Act, 2005.

2. Whereas the undersigned having been appointed as CPIO under Section 5(1) of the said Act is required to consider and provide the information within 30 days of the receipt of the request.

3. And whereas Section 5(4) of the Act provides the CPIO may seek the assistance of any other officer as he considers it necessary for the proper discharge of his duties. Sub-section (5) further provides that any officer whose assistance has been sought shall render all assistance to the CPIO. Once the complaint is referred "for the purposes of any contravention of the provisions of the Act, such other officer shall be treated as CPIO" and may be liable for penalties under Section 20 of the said Act. Further in the event of violation of provisions / non-furnishing of documents / information such an officer is liable for penalties under Section 20(1) of the Act @ Rs. 250/- for each day of the delay which may extend up to Rs. 25,000/-.

4. And whereas under Section 6(3) of the RTI Act it has been provided that :
"where an application is made to a public authority requesting for an information:-
(i) which is held by another public authority, or
(ii) the subject matter of which is more closely connected with the functions of another public authority,

the public authority, to which such application is made, shall transfer the application or such part of it as may be appropriate to that other public authority and inform the applicant immediately about such transfer".

5. Whereas on scrutiny of the application, I find that the information sought by the applicant against point No. 1 (a), (b), (e) & (f) which is reproduced below, is closely related to and held by **CPIOs of the Regions / Sub-Regional Offices**, the undersigned invokes the provisions of Section 5(4) of the said Act and transfer the application to furnish the information / documents sought by the applicant under the RTI Act, 2005 within the prescribed time limit directly to the applicant :-

1(a) Total number of exempted establishments covered under the Act as on 31.3.2011 in which subscribers are 1000 & above.

- (b) Total number of contractor's establishments, which were / are deployed by those exempted establishments alongwith number of subscribers engaged by them and have been allotted separate code numbers during the period from 1st June, 2000 to 31st March, 2011 for making compliance as UNEXEMPTED ESTABLISHMENTS.
- (e) Details of the actions taken against all those exempted establishments which have not been transferring EPF contributions in respect of contractor's employees to their Board of Trustees as per Provisions laid down under the EPF & MP Act, 1952.
- (f) Details of the actions taken against all the regional authorities who either have failed to take actions against the erring exempted establishments and have changed the very status of the establishments in respect of their contractor's employees.

You may please note that any delay in furnishing the information / documents sought for within the stipulated time limit will attract the penal provisions as provided for under Section 20 of the RTI Act.

6. This may please be treated as MOST URGENT.

Encl.: Copy of application dated 10.5.11.


(P. K. Agarwal)
CENTRAL PUBLIC INFORMATION OFFICER (COMPLIANCE)

To:

All CPIOs of ROs / SROs.

Copy to:

1. Sh. M. P. Srivastava, Urmila Bhawan, Road No. 14A, East Ashok Nagar, Kankarbagh, Patna - 800 020 w.r.t. his application no. NIL dated 10.5.11.
2. CAPIO / SO (PID) w.r.t. letter No. PID/HQ/266/11/5479 dated 20.5.11.
- ✓ 3. RPF (NDC) for uploading the letter (alongwith copy of application dated 10.5.11) on the website.
4. DD (OL), Hqrs. for Hindi Translation.


(P. K. Agarwal)
CENTRAL PUBLIC INFORMATION OFFICER (COMPLIANCE)

RTI Matter

BY HAND

Dated : 10.5.2011

From:
M P.SRIVASTAVA,
Urmila Bhawan, Road No. 14 A,
East Ashok Nagar, Kankarbagh,
Patna – 800 020
Mob. 0-9431648401
Email : mpsepfo@yahoo.in, mpsepfo@rediffmail.com

To,
The Central Public Information Officer,
PID Section, Headquarters,
Employees' Provident Fund Organization,
Bhavisya Nidhi Bhawan,
14 Bhikaji Cama Place,
New Delhi – 110 066.

Sub.: Supply of information under the Right to Information Act, 2005

Sir,

Please provide the following information / documents under the Right to Information Act, 2005. Postal Order for Rs. 10/- (No. 54C 534559 & 54C 534560 of Rs.5/- Each) being the fee in favour Central Provident Fund Commissioner, New Delhi, are enclosed.

It will be worthwhile to mention here that information desired is well available centrally in the Headquarters of the EPFO. These informations are being regularly sent by all the field officers located throughout India on every quarter through different classified Management Information System and the same are tabulated and consolidated in the headquarters.

Information desired

1. Information relating to Compliance in respect of contractors' employees engaged by the establishments exempted u/s 17 of the EPF Act. Information desired is as on 31.03.2011 – region wise: — (RC-Exemption)

- (a.) Total number of exempted establishments covered under the Act as on 31.03.2011 in which subscribers are 1,000 & above.
- (b.) Total number of contractor's establishments, which were / are deployed by those exempted establishments alongwith number of subscribers engaged by them and have been allotted separate code numbers during the period from 1st June, 2000 to 31st March, 2011 for making compliance as **UNEXEMPTED ESTABLISHMENTS**.
- (c.) Attested copies of all circulars issued by the EPFO authorities for securing compliances from those contractor's establishments as **UNEXEMPTED** instead of making compliance with their Board of Trustees of such respective exempted establishments.
- (d.) Details of the provisions alongwith copies thereof as laid down under the terms & conditions on the basis of which exempted establishments are required to make compliance in respect of their contractor's employees likewise their employees employed directly.
- (e.) Details of the actions taken against all those exempted establishments which have not been transferring EPF contributions in respect of contractor's employees to their Board of Trustees as per Provisions laid down under the EPF & MP Act, 1952.

transfer indicated.

10.5.2011

16.5.11

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- (f.) Details of the actions taken against all the regional authorities who either have failed to take actions against the erring exempted establishments and have changed the very status of the establishments in respect of their contractor's employees.
- (g.) The attested copies of all circulars issued to the field offices for securing compliance in respect of contractor's employees from the exempted establishments.

2. RC (Comp)
- (a.) Details of the proceedings initiated and are still pending as on 31.03.2011 u/s 7A, 7B, 7C & 14B of the Act – region wise & category wise – (details include total number of adjournments granted, actions taken against the Enforcement Officers who have not submitted their depositions, actions taken against the Assessing authority for not concluding the proceedings within six months - time allowed for finalizing the proceedings).
 - (b.) Details of actions taken on the complaint dated 19.11.2010 lodged to Shri S. Chatterjee, CPFC with regard to several irregularities and corrupt practices prevailing in the compliance division and its present status alongwith all file notes dealing with this complaint.
 - (c.) Details of the prosecution (filed u/s 14 of the Act) withdrawn during the period from 01st April, 2008 to 31st March, 2011 alongwith names and code numbers of those establishments – region wise.
 - (d.) Details of all those establishments with code numbers – region wise, which have been allowed installment facilities to clear the EPF dues from 01st April, 2008 to 31st March, 2011.
 - (e.) Names & code numbers of those establishments – both exempted & unexempted in default of Rs.50 Lacs & above – region wise, which have not remitted the EPF dues in time and have thus attracted the levy of penal damages u/s 14 B of the Act but no damages have yet been imposed as on 31.03.2011 and the reasons for not imposing damages and interest u/s 7Q of the Act and also names & designations of all officials, who have failed to take actions.
 - (f.) Details of those establishments against which penal damages already levied u/s 14 B of the Act – region wise have been waived / reduced alongwith amounts levied and amounts waived.

3. RC (MIS)
- (a.) Total number of subscribers, annual statements of accounts pending for issue as on 30.04.2011 – region wise.
 - (b.) Total number of claims / advances etc. pending for settlement as on 30.04.2011 – region wise.
 - (c.) Total amounts already fallen due in arrears – both exempted & unexempted and includes all dues – as on 30.04.2011 – region wise.

- RC (IS)
4. Total expenditures incurred from 01st April, 2009 to 30th April, 2011 – head wise, office wise and year wise on account of computerization of the EPFO.

- Dir (Audit)
5. Copies of all those internal audit reports (only relevant portion) received during the last three years, which have laid to suspension and other disciplinary actions against the erring officials in the field of compliance and administration. How many observations of the internal audit party are still to be complied with- region wise and year wise?

- RC (FA)
6. Details of State-wise EPF amounts lying with the EPFO as on 31.03.2011 as **inoperative amount** (unclaimed amounts).

- RC (Legal)
7. Total number of those pending cases in different courts as on 30.04.2011 – region wise:
- (a.) In different Hon'ble High Courts
 - (b.) In the Hon'ble Supreme Court
 - (c.) In the different Hon'ble Central Administrative Tribunal
 - (d.) In the different Consumer's Court

RC (Legal)

8. During the last five years i.e. from April, 2006 to April, 2011, how many cases have been decided by those Hon'ble Courts – as mentioned at Sl. 7 above in favour of EPFO, how many cases have been decided against the EPFO and how many cases have been remanded back to EPFO for reconsideration / reexamination – court wise and region wise. In how many cases, the EPFO has gone in appeal / writ against the decisions – court wise and region wise.

RC-HRM

9. Names and designations of all those officials in the cadre of EO/AO, APFC/RPFC II/ RPFC I & ACC who have retired before October, 2008 but their retiral benefits such as gratuity, commutation of pension amount and leave encashment amount have not yet been paid and their payment of pension are still provisional as on date – region wise.

RC-HRM

10. Names and designations of all those officials in the cadre of EO/AO, APFC/RPFC II/ RPFC I & ACC who have retired after October, 2008 as on date but their retiral benefits have been withheld.

RC-FA

11. Details of the amounts spent on account of TA/DA/TTA – region wise and year wise during last five years from April, 2005 to 30th April, 2011.

12. Details of the amounts spent on account of Legal expenses – region wise and year wise during last five years from April, 2005 to 30th April, 2011.

RC-HRM

13. Attested copies of all leave applications submitted by Shri A. M. Raju, Additional CPFC from April, 2010 to date with sanction orders.

14. The reasons for not joining to new assignment as ACC Incharge of the Zone (East Zone) by Shri A. M. Raju alongwith copies of all file notes relating to his transfer to Kolkata, subsequent stay order etc.

15. Copies of all existing circulars with regard to transfers & postings of Group 'A' Officers of the EPFO.

16. Names and designations of all those Group 'A' Officers (APFC to ACC) who are posted and continuing beyond 4 years in different offices falling in NCR (Delhi, UA) with their date of posting – individual wise and office wise as on date.

17. The names and designations of all Group 'A' Officers who have been shifted to non-sensitive assignments consequent upon identifying the post as sensitive and non-sensitive vide circular dated 23.07.2010 – region wise.

18. Details of the actions taken against Shri R. K. Kukreja, RPFC (I), HRM, Headquarters, EPFO who after concealing and suppressing the orders of the Chairman CBT dated 12.07.2005 with regard to posting of Shri S. L. Srivastava, now ACC (EZ) and got him posted as ACC Incharge of the East Zone – a sensitive post.

RC-HRM

19. How many complaints with gist in brief have been received against Shri R. K. Kukreja, during last 4 years? Please provide the copies of all complaints with their present status.

20. Copies of all file notes, orders in which the pay of Shri R. K. Kukreja, RPFC (I) while he was Incharge of Delhi South Region has been fixed consequent upon implementation of Sixth Pay Commission Report. Please all provide the amount of arrears drawn by him. What is the quantum of the amount which was subsequently detected as over payment and whether that amount was immediately deposited by Shri Kukreja? What was his basic pay being drawn by him prior to implementation of the Pay Commission Report and what was his basic pay after implementation of the Pay Commission Report? What action has been taken against Shri Kukreja for his criminal conspiracy in getting his pay fixed over & above his entitlement? Please provide copies of all audit reports in this regard.

RC-ARM

21. The details of the authority alongwith all file notes and orders for retaining Shri S. L. Srivastava, ACC (EZ) after 14.01.2011 – the date on which order of the Chairman, CBT changing his date of birth from 17.08.1948 to 12.11.1952 has been set aside by the Hon'ble High Court, Punjab & Haryana in absence of any stay orders by the competent court.

ACC- Kot

22. Copies of all file notes / office orders issued by Shri S. L. Srivastava, ACC Incharge of the Zone to different OICs of the Field offices under his territorial jurisdiction for posting of a particular officials on particular place / assignment.

Information to be posted on website of the EPFO

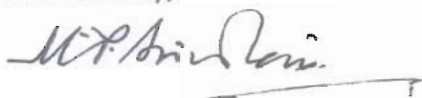
In terms of the provisions laid down u/s 4 of the RTI Act, 2005 (Obligations of public authorities) the authorities of the EPFO – a social security department of the Govt. of India under the Ministry of Labour & Employment ought to have posted all "public domain information" on EPFO Website and should have regularly updated from time to time. Although, more than five years time has already elapsed, it seems, most of the vital information coming under public domain, have not yet been posted on website. However, it is requested that at least following information may please be posted on EPFO Website within 30 days of receipt of this application and be got updated in every quarter henceforth. This will certainly combat the corrupt practices to a greater extent prevailing in this organization and apart work load under RTI Act will also minimize.

- a) Names and designations of all officials who have been charge-sheeted, details of punishments awarded, trapped by CBI etc.
- b) Names and designations of all officials against whom investigations are being conducted.
- c) Total number of pending departmental proceedings with names and designations of the officials.
- d) Details of pending cases – region wise – initiated u/s 7A, 7B, 7C, 7Q & 14 B.
- e) Details of actions taken against the defaulting and erring establishments u/s 8B, 8F & 14 of the EPF Act & MP Act, 1952 and also u/s 406/409 IPC with names of the establishments etc.
- f) Total number of various claims lying pending – region wise – for disposal.
- g) Total number of annual statements of members accounts lying pending for issue as required under para 73 of the EPF Scheme, 1952 – region wise.

Cost, if any, shall be paid as per rule on demand.

Thanking you,

Yours faithfully,



(M. P. Srivastava)

Encl.: As above