



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

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No. HRM-5/2(13)2013/SS/Seniority/Vol.I/1127

Dated:13.04.2017

13 APR 2017

To,

All Addl. Central P.F. Commissioner (Zones)
All RPFC-in-Charge of ROs.

Subject: Implementation of order dated 13-3-2015 of Hon'ble CAT, Ahmedabad Bench in OA no. 263/2010 -Promotion to the post of Section Supervisor under Examination Quota

Sir,

It is brought to your notice that based on the Employees' Provident Fund Departmental Promotion Examination Scheme, 2002 departmental examination for promotion to the post of Section Supervisor was conducted on 18.12.2007. The final select list of the candidates was issued on 9.1.2009 on the basis of the results.

2. In 2010,15 persons who could not appear in the above-mentioned examination approached the Central Administrative Tribunal, Ahmedabad bench by way of an Original Application being O.A. No. 263/2010 inter alia praying for quashing the select list dated 09.01.2009. The Ld. Central Administrative Tribunal vide order dated 09.05.2012 was pleased to allow the Original Application. However, it was ordered that the regular promotions already made were not to be disturbed. Thereafter vide Circular dated 20.9.2012, it was informed to all field offices that department has decided to accept and implement the above CAT order.

3. But on 11.01.2013, some officials who had not joined as parties to O.A. No. 263/2010 approached the Hon'ble High Court of Gujarat by way of a Special Civil Application No. 13224/2014. This Hon'ble Court was pleased to set aside the order dated 09.05.2012 passed by the Central Administrative Tribunal, Ahmedabad bench and remanded the matter to the Tribunal with directions to hear the parties also.

4. Thereafter, the Ld. Tribunal, Ahmedabad Bench allowed the O.A. No. 263/2010 vide a reasoned order dated 13.3.2015. The Operative portion of the judgement reads as under:

"26. In the result, issue Nos. (i), (ii), (iii) and (v) are decided in favour of the applicants. Issue No. (iv) is decided in favour of the Respondents.

27. Thus, the O.A. is partly allowed as above. The respondents are directed to operate the impugned Select List dated 09.01.2009 up to the extent of five reported vacancies and for filling up the Examination Quota, if any, in the 49 vacancies that have been additionally sanctioned in the Head Office letter dated 26.12.2008 annexed to the additional reply filed by the counsel for the respondents on 19.01.2012 as these vacancies are available before the finalisation of Select list of 09.01.2009."

5. The order dated 13.03.2015 passed by the Hon'ble Central Administrative Tribunal Ahmedabad Bench was challenged by certain officials vide various Special Leave Applications being Special Civil Application Nos. 5231 of 2015 and 6188 of 2015 respectively. The Hon'ble High Court of Gujarat vide order dated 08.10.2015 upheld the judgement dated 13.03.2015 passed by the Hon'ble Central Administrative Tribunal, Ahmedabad Bench. The Operative portion of the judgement reads as follows:

"7.10. At this stage, it is required to be noted that as observed hereinabove, as and when departmental examinations are conducted, there shall be different departmental examinations and examiners also shall be different and therefore, unequal shall be treated equally. As observed hereinabove, so far as 33 1/3rd % quota is concerned, merit is the only criteria. Under the circumstances also, merit list prepared on the basis of earlier departmental examinations cannot be permitted to be operated in perpetuity and/or till it is exhausted and the same shall be restricted to only those notified declared vacancies at the time of taking departmental examinations and the same cannot be permitted to be operated for subsequent vacant notified / declared vacancies in the particular region. Under the circumstances, the learned tribunal has not committed any error in allowing the O.A. and in granting the reliefs restricting the merit list / select list dated 9/1/2009 for the declared / notified vacancies. At this stage, it is required to be noted that even the learned tribunal has directed to operate the said merit list even with respect to the posts which were declared subsequent to conducting of the departmental examination, but prior to preparation of the merit list / select list dated 9/1/2009, however, the same is not under challenge and therefore, we are not observing anything with respect to the same."

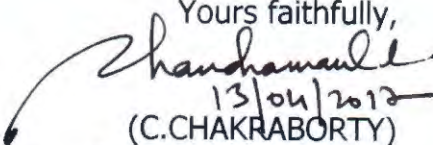
6. The department also filed a Special Civil Application being Special Civil Application No. 2534 of 2016 against the order dated 13.03.2015 passed by the Hon'ble Central Administrative Tribunal, Ahmedabad Bench and on 11.7.2016, the Hon'ble High Court of Gujarat pronounced the judgment. The operative portion of the judgement is as follows:

" 4. In view of the above facts and circumstances, now when the very impugned judgment and award impugned in the present petition has been confirmed by the Division Bench of this Court vide order dated 08/10/2015 in Special Civil Application No.5231/2015 and Special Civil Application No.6188/2015, the present Special Civil Application will also have the same fate. For the reasons stated in the judgment and order passed by the Division Bench of this Court dated 08/10/2015 in Special Civil Application No.5231/2015 and Special Civil Application No.6188/2015, we dismiss the present petition also. Notice discharged."

7. Since the Hon'ble High Court of Gujarat had not considered the grounds submitted before the Court, the above judgment was challenged by the department as well as certain officials of Gujarat region in the Hon'ble Supreme Court vide SLP(Civil) CC no.4928-4930/2017 and 4579/2017. However, the Hon'ble Supreme Court vide its order dated 6.3.2017 has dismissed the above SLPs observing that it did not find any ground to interfere with the impugned order.

8. Considering the facts of the case and that all the legal recourse/remedy available for the Department have exhausted, RPFC Gujarat has been directed to implement the order dated 13-3-2015 passed by the CAT, Ahmedabad Bench vide letter dated 15-3-2017. It has been further decided that in case of all the regions other than Gujarat, the candidates who were declared qualified in the above examination or the examinations conducted for Section supervisor earlier and have been promoted under examination quota in SS cadre in excess of the vacancies as shown Annexure I and the posts created in SS cadre vide HO letter dated 26.12.2008 (Annexure-II) may be issued show cause notice as to why they should not be reverted to their original cadre. However, the officials among them who can be promoted to the post of SS under Seniority quota in view of the implementation of cadre restructuring report in the normal course may be promoted immediately by conducting DPCs and details of remaining officials who are left out and reverted may be sent to Head Office through concerned Zonal Office by 30.4.2017 positively.

Encl: As Above

Yours faithfully,

13/04/2018
(C.CHAKRABORTY)
ADDL. CPFC-II (HRM)

Copy for information to :
(i) ACC(HQ), Gujarat
(ii) RPFC-I, RO, Ahmedabad

STATEMENT SHOWING THE RESULT OF DEPARTMENTAL EXAMINATION FOR THE POST OF SECTION
SUPERVISOR
HELD ON 18TH & 19TH DECEMBER, 2007

Sl.No	Region	Vacancy Position under EQ Quota				Number of candidates appeared				Number of candidates qualified			
		GL	SC	ST	TOT	GL	SC	ST	TOT	GL	SC	ST	TOT
1.	ANDHRA PRADESH	00	01	00	01	00	39	00	39	00	17	00	17 ✓
2.	BIHAR	02	01	00	03	27	01	01	29	08	00	00	08 ✓
3.	CHHATTISGARH	01	00	00	01	10	01	10	21	05	00	02	07 ✓
4.	DELHI	13	02	01	16	107	27	03	137	61	08	01	70 ✓
5.	GUJARAT	02	00	03	05	179	43	17	239	93	10	05	108 ✓
6.	HARYANA	04	02	02	08	67	13	04	84	27	04	01	32 ✓
7.	KARNATAKA	00	00	01	01	00	00	09	09	00	00	07	07 ✓
8.	KERALA	00	00	01	01	00	00	03	03	00	00	01	01 ✓
9.	MAHARASHTRA	02	15	01	18	354	62	39	455	136	27	07	170 ✓
10.	NER	00	01	00	01	00	05	00	05	00	05	00	05 ✓
11.	PUNJAB	00	00	01	01	00	00	02	02	00	00	01	01 ✓
12.	TAMIL NADU	00	00	05	05	00	00	01	01	00	00	00	00 ✓
13.	UTTARANCHAL	03	00	00	03	07	10	01	18	04	04	00	08 ✓
14.	WEST BENGAL	00	08	04	12	00	61	03	64	00	29	01	30 ✓
TOTAL		27	30	19	76	751	262	93	1106	334	104	26	464

Particulars	GL	SC	ST	TOTAL
Vacancies	27	30	19	76
Appeared	751	262	93	1106
Qualified	334	104	26	464

* The result of four candidates is to be withheld on account of Provisional candidature.



Employees' Provident Fund Organisation

(Ministry of Labour, Govt. of India)
Head Quarters, Bhavishya Nidhi Bhawan
14-Bhikaiji Cama Place, New Delhi-110066

No. HRD 1(7) 99/Vol-III/Re-allocation of Gr. 'B' & 'C'

Dated: 26.12.2008

To

All Additional Central P.F. Commissioner (Zones)
All Regional Provident Fund Commissioners
In-charge of the Regions,

Sub: Allocation of the additional posts of Group 'B' & 'C' to the Regions - regarding.

Sir,

Central Board of Trustees, EPF in its 184th meeting held on 11.11.2008 has approved the additional Group 'B' & 'C' posts for field offices of EPF Organisation. Accordingly, The Competent Authority has approved the Re-allocation of additional posts of EO/AAO, Section Supervisor and Social Security Assistant to the Regions as under:-

Sl. No.	Name of the Region	Enforcement Officer / Assistant Accounts Officer		Section Supervisor		Social Security Assistant	
		Existing sanction	Additional Sanction	Existing sanction	Additional Sanction	Existing sanction	Additional Sanction
1.	Andhra Pradesh	123	36	163	58	1062	84
2.	Bihar	25	4	20	7	146	6
3.	Jharkhand	38	11	39	14	234	10
4.	Delhi	90	28	90	32	649	60
5.	Gujarat	129	37	139	49	958	73
6.	Haryana	58	17	63	22	406	50
7.	Himachal Pradesh	10	4	10	4	72	5
8.	Karnataka	114	33	157	56	1050	95
9.	Kerala	81	23	90	32	618	31
10.	Madhya Pradesh	53	15	73	26	473	36
11.	Chattisgarh	9	4	12	4	83	10
12.	Maharashtra	272	79	327	116	2095	167
13.	Goa	6	3	10	4	55	5
14.	North-East Regions	26	8	21	7	143	13
15.	Orissa	45	13	51	18	314	19
16.	Punjab	85	25	89	32	598	45
17.	Rajasthan	56	16	58	21	404	32
18.	Tamilnadu	213	63	263	94	1753	137

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19.	Uttar Pradesh	117	36	107	38	642	49
20.	Uttarakhand	13	4	12	4	82	9
21.	West Bengal	210	61	167	59	1173	39
	Total	1773	520	1963	697	13010	995

Further bifurcation / allocation of the posts in the bifurcated regions in the State shall be made by Additional Central P.F. Commissioners of the zone under intimation to the Head Office.

Sanction strength of the each region may be revised to the above extent. These additional posts will be absorbed into the Projected growth on total computerisation and vacancies occurring due to retirements.

Yours faithfully

(Trilek Chand)

Additional Central P.F. Commissioner (HR)

Copy to:

1. PS to Central P.F. Commissioner
2. PS to FA & CAO
3. PS to Chief Vigilance Officer
4. Director, NATRSS
5. Director (Vigilance, Headquarters)
6. Deputy Director (Vig.) Zones
7. Deputy Director (Audit)
8. RPFC (HRM) with the request to modify the Establishment Register accordingly.
9. Secretary General, AIEPFSF, Chandigarh
10. Secretary General, AIEPF SC/ST Staff Federation
11. Guard File.

(R.K. Kulkarni)

Regional P.F. Commissioner (HRM)