



कर्मचारी भविष्य निधि संगठन
(श्रम मंत्रालय, भारत सरकार)
Employees' Provident Fund Organisation
(Ministry of Labour & Employment, Govt. Of India)
मुख्य कार्यालय/Head Office
भविष्य निधि, भवन, 14, भीकाजी कामा प्लेस, नई दिल्ली-110066
Bhavishya Nidhi Bhawan, 14- Bhikaji Cama Place, New Delhi - 110066
Website: www.epfindia.gov.in

No.: Pension-3/7(444)18/RTI/ Durgesh Ranjan Choudhary
To

Dated:

ALL CPIOs/ROs, (For Point NO. 5 & 6)
EPFO.

23 JUL 2018

Sub.: Supply of Information under RTI Act -2005-reg.

Sir,

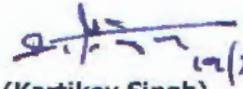
Please find enclosed herewith an RTI application 10.06.2018 under RTI Act of Sh. Durgesh Ranjan Choudhary received in Pension Section on 16.07.2018 through PID Section for seeking information under the Right to Information Act. The copy of the letter is transferred to you for necessary action under the Right to Information Act, 2005. The information has to be provided directly to the applicant under intimation to the undersigned.

If the desired information does not pertain to the concerned division or some part of information is held by other division or public authority, the concerned CPIO shall forward/transfer the application or such part of it as may be appropriate to relevant division/Public authorities u/s 5(4) and 6(3) of the RTI Act, 2005 respectively and inform the applicant immediately/about such transfer. However, if the CPIO is not able to find out as to which division/public authority is concerned with the information even after making reasonable efforts to find out the concerned division/public authority to which the application could be transferred. It would, however, be the responsibility of the CPIO, if an appeal is made against his decision, to establish that he made reasonable efforts to find out the particulars of the concerned division/public authority.

Name & address of the Appellate Authority may also be mentioned in the reply, so that the applicant can make an appeal within 30 days from the expiry of such period or from the receipt of decision given by the public authority, if he is aggrieved by the decision.

Yours faithfully,

Encl: As above


(Kartikey Singh)

CPIO/Regional P. F. Commissioner-I (Pension)

Copy to:-

Shri S Durgesh Ranjan Choudhary
C/o Sh. Bholan Bhattacharjee,
P.O. Agartala,
West Tripura-799001...-For information.

You are advised to approach the above Public Authority for further information regarding the matter and for any grievance regarding non-receipt of information.

Copy to:- APFC (PID) w.r.t. letter No. PID/HQ/296/2018/2669 dated 29.06.2018 for information.

S.No. 100

6

RTI Matter/Speed Post



कर्मचारी भविष्य निधि संगठन
(श्रम एवं रोजगार विभाग, भारत सरकार)
EMPLOYEES' PROVIDENT FUND ORGANISATION
(Ministry of Labour & Employment, Govt. of India)
मुख्य कार्यालय / Head Office
भविष्य निधि भवन, 14-भोकार्जी कामा प्लेस, नई दिल्ली-110 066
Bhavishya Nidhi Bhawan, 14, Bhikarji Cama Place, New Delhi - 110 066.

No. PID/HQ/2669/2018

29 JUN 2018

To

The CPIO/RPFC
Exemption
Head Office
For Point No. 1,2,3 & 4

The CPIO/RPFC
Pension
Head Office
For Point no. 5,6,7 10 & 11

The CPIO/RPFC
Investment
Head Office
For Point No. 8 & 9

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

Sir,

Please find enclosed herewith a Letter of Sh Durgesh Ranjan Choudhary letter received in this office on **22.06.2018** for seeking information under the Right to Information Act. The Copy of the letter is transferred to you for necessary action under the Right to Information Act, 2005. The information has to be provided directly to the applicant under intimation to the undersigned. It is certified that the applicant has deposited the application fee i.e. **Rs. 10/-**.

If the desired information does not pertain to the concerned division or some part of information is held by other division or public authority, the concerned CPIO shall forward /transfer the application or such Part of it as may be appropriate to relevant division/Public authorities u/s 5(4) and 6(3) of the RTI Act, 2005 respectively and inform the applicant immediately/about such transfer. However, if the CPIO is not able to find out as to which division/public authority is concerned with the information even after making reasonable efforts, in such cases RTI request is to be sent back to Head Office, but should not be disposed or kept pending with the CPIO. It would, however, be the responsibility of the CPIO, if an appeal is made against his decision, to establish that he made reasonable efforts to find out the particulars of the concerned division/public authority.

If some part of the information concerns to public authority under any State Government or the Union Territory Administration, the CPIO receiving the application should inform the applicant that the information may be requested from the concerned State Government/UT Administration. Application, in such a case, need not be transferred to the State Government/UT Administration.

Name & Address of the Appellate Authority may also be mentioned in the reply, so that the applicant can make an appeal within 30 days from the expiry of such period or from the receipt of decision given by the public authority, if he is aggrieved by the decision.

Yours faithfully,

(Alok Kumar)
Assistant P.F. Commissioner (PID) 10

Copy to :- 1: Sh Durgesh Ranjan Choudhary
C/o Sh. Bholan Bhattacharjee P.O. Agartala,
West Tripura. 799001

(Alok Kumar)
Assistant P.F. Commissioner (PID) 10

Registered with A/D

RL-0652

RTI

5

FORM OF APPLICATION MAKING REQUEST FOR INFORMATION
(Under the Provisions of the RTI Act, 2005) To The CPIO/ACPIO, EPFO, Bhavishya Nidhi
Bhawan, 4- Bhikaji Cama Place, New Delhi - 110066

1	Name with Father's / Mother's / Husband's name of the person making request for information.	Durgesh Ranjan Choudhury S/O Late Debendra Choudhury.
2	Address of communication with phone no. if any.	C/O Shri Bholan Bhattacharjee P.O: Agartala, West Tripura. 799001. Email:drcagartala@gmail.com. Mob : 8787592943 Whatsapp No. 8794778349
3	Whether citizen of India	Yes
4	Whether living below poverty line. If so Card No.	No
5	Nature of information / sample / model / materials / to be provided.	1. What action has been taken against the specific complaint in respect of Regional P.F Commissioner and Assistant P.F. Commissioner (Shri U.K.Samanta), Agartala, Tripura Region? (Copy of the Complaint is enclosed as ready reference). 2. Total number of Exempted and Un-exempted Establishment under EPFO? 3. Names of the Exempted Establishment with Code Number. 4. Names of the Un-exempted Establishment with Code Number. 5. Names of the Exempted Establishments received higher / enhanced Pension on actual contribution as per Supreme Court Order in SLP No.33032-33033/2015 dated 04/10/2016 or other High Court Orders. 6. Total number of EPS Pensioners received enhanced Pension as per Supreme Court Order dated 04/10/2016. 7. What is the latest decision about implementation of Kushiary Committee Report for Minimum Pension of Rs.3000/-? 8. Total EPFO Corpus as on 31.03.2018 with Interest. 9. Total unclaimed amount as on 31.03.2017 with Interest. 10. Is there any demand from any EPS Pensioners Union or Association to increase the existing Minimum Pension above Rs.1000/- ? if so, is there any decision to increase Minimum Pension exceeding Rs.1000/- ? 11. Is there any decision for extension of Cash less medical benefit to EPS Pensioners through ESIC in India?
6	Mode of delivery	By Email or Speed Post.
7	Advance fee if any paid, Application fee, Further Fee if any Total:	Rs.10/- by Postal Order NO. 440006
8	Name of any person other than the applicant whose assistance may be required for seeking the information / inspection.	Concerned Officers in Grievance and Pension Cell.
9	Date of application	10 th June, 2018

Durgesh Ranjan Choudhury
(Durgesh Ranjan Choudhury)

623
22/June/18

ALL TRIPURA EPS PENSIONERS' AND EMPLOYEES' ASSOCIATION

Ref. No. F.1(5)/ATEPSPEA/2018/564-66

Date: 28/05/2018

To

The Central P.F. Commissioner, EPFO Headquarters,
Bhavishya Nidhi Bhawan, 14 Bhikaji Cama Place,
New Delhi - 110066.

Subject: Specific Complaint against Regional P.F. Commissioner, Tripura and Shri U.K.Samanta, Asstt. PF Commissioner (Pension), Office of the EPFO, Agartala, Tripura for Violation of Supreme Court Order in SLP No.33032-33033/2015 dated 04.10.2016 and punitive measures against them - regarding.

Sir,

I would like to draw your kind attention to the following grievances on the subject captioned above:

1. Tripura Jute Mills Ltd (A Govt of Tripura Undertaking) shortly called TJML is an unexempted Establishment under EPFO in Tripura Region (Code No.NE/AGT/1339). The employees of this Establishment (TJML) usually exercised their "Option" in phase manner as per the provisions under Para 26(6) of the EPF Scheme, 1952 and under 11(3) of the EPS, 1995 for CPF deduction on actual salary irrespective of any ceiling of Pensionable Salary. The Managing Director (Employer) accordingly intimated the filing of "Options" to RPFC, Agartala vide his Letter No. TJ/PF (01)/1387 dated 17/12/2002 (Photocopy is enclosed as Annexure-A).
2. Accordingly, RPFC, Agartala received the monthly deduction towards CPF on actual salary irrespective of any ceiling of Rs.5000/- or Rs.6500/- having equal Employer's contribution. Subsequently, after 7 (Seven) years, the Asstt. P.F.Commissioner,EPFO, Agartala admitted that the "Options" were filed but the said "Options" were rejected on the ground that the "Options" were filed after the cut off date or prescribed

Contd- P/2

ALL TRIPURA EPS PENSIONERS' AND EMPLOYEES' ASSOCIATION

Ref. No.

Page - 2

Date:

time limit and communicated vide Letter No. SRO /TR/ AS/ 1339/ S951 dated 06/03/2009 (Photocopy enclosed as Annexure- B).

3. On the contradictory, thousands of Pensioners of this Establishment (TJML) are being allowed enhanced Pension on actual contribution as per "Options" exercised earlier for years together even prior to the Order of the Hon'ble Supreme Court dated 04.10.2015 except few retired Pensioners on the plea that the required "Option" was not submitted within the "cut-off" date or stipulated period of six months from the date of exceeding Pensionable salary of Rs.5000/- or Rs.6500/-. On the other hand, the Hon'ble Supreme Court quashed the provision of "Cut-off" date for exercising "option" in SLP No.33032-33033 dated 04.10.2016 where the actual contribution was made without any ceiling of Pensionable Salary / Wages.
4. Nevertheless , after the said Supreme Court judgement dated 04.10.2016, the undersigned, on behalf of remaining 30 (thirty) deprived retired Pensioners of TJML further requested the Regional PF Commissioner, Agartala to revise pension as per the said Supreme Court's Order. Accordingly, the RPFC, Agartala took initiative to revise Pension for the remaining 30 Pensioners of the said Establishment.
5. Meanwhile, the said Pensioners of this Establishment (TJML) received back salary in 2016 from 01.01.1996 accrued as per another Supreme Court Order in SLP No.20837/2011 dated 25.10.2016. As a result, the RPFC requested the said Establishment (TJML) for submission of revised Return in 3A and 6A vide EPFO Letter No.NE/AGT/1339/Accounts/632 dated 16.06.2017, No.NE/AGT/1339/Accounts/834 dated 07.07.2017 No.NE / AGT / 1339/ Accounts/ 880 dated 12.07.2017, No.NE / AGT/ 1339 / Accounts / 1638 dated 29.11.2017, .NE/ AGT/

Contd - P/3

ALL TRIPURA EPS PENSIONERS' AND EMPLOYEES' ASSOCIATION

Ref. No.

Page - 3

Date :

1339/Accounts/2511 dated 14.03.2018 (Photocopies of the Letters dated 12.07.2017 and 14.03.2018 are enclosed as Annexure - C & D respectively).

6. However, as desired by RPFC, the said Establishment (TJML) submitted the modified Returns in 3A and 6A of the remaining Pensioners to RPFC, Agartala for allowing enhanced Pension to be reckoned on actual salary like other Pensioners of the same Establishment and in accordance with the said Hon'ble Supreme Court Order dated 04.10.2016 vide TJML Letters No.TJ/PF(01)/Vol-II/21,828 dated 08.01.2018 and No.TJ/PF(01)/Vol-II/21932 dated 07.05.2018 respectively along with the list of 30 (thirty) deprived Pensioners (Photocopies are enclosed as Annexure-E, E-1 & F).
7. After completion of all codal formalities, again the RPFC Office most arbitrarily and whimsically denied / suppressed the facts of receiving the "Option" long back by EPFO office. One careless Asstt P.F. Commissioner Shri U.K.Samanta wrongly intimated Shri Anjan Debnath, one of the TJML Pensioner that he is not entitled revised enhanced pension as he did not exercise "Option". (Photocopy of the Letter No. NE / AGT / 1339 / Accounts / 229 dated 07.05.2018 is enclosed as Annexure-G).

Thus the Regional P. F. Commissioner, Asstt. P.F. Commissioner (Shri U.K.Samanta), Tripura Region), Agartala in connivance with the other Officials of the Accounts Section most arbitrarily deprived only few (30) Pensioners creating disparity amongst the Pensioners of the same Establishment (TJML) from their legitimate claim of enhanced pension on baseless "Plea". Besides, the said Officers and Employees made the Employers Provident Fund (EPF) as Employees Cheat Fund (ECF). Hence, we have no other efficacious remedy but to appeal before your kind authority with the following demands:

Contd - P/3



ALL TRIPURA EPS PENSIONERS' AND EMPLOYEES' ASSOCIATION

Ref. No.

Page - 4

Date :

1. Kindly direct the RPFC, Agartala, Tripura Region to revise Pension for remaining only 30 Pensioners of TJML as per the List enclosed (Code No. NE/AGT/1339) as per Hon'ble Supreme Court Order dated 04.10.2016.
2. Kindly fix-up Personal responsibility on the concerned officials for malafied intension to deceive with the poor pensioners.
3. Kindly suspend the Accounts Officer, APFC and RPFC (Tripura Region) from service pending Departmental proceedings against them for violation and misinterpretation of Supreme Court Order in SLP No.33032-33033/2015 dated 04.10.2016.
4. Kindly arrange to recover the interest burden payable for the delayed period on differential amount from the salary of all concerned employees of Accounts Section including Shri U.K.Samanta and Regional P.F.Commissioner as they made unnecessary delay in revising the Pension despite specific order of the Hon'ble Supreme Court.

Yours faithfully

Durgesh Ranjan Choudhury
(Durgesh Ranjan Choudhury)

General Secretary

Mobile No.8787592943

Enclosures: As stated above

Copy to:

1. The Regional P.F. Commissioner, EPFO, Ministry of Labour and Employment, Govt. of India, Regional Office, Airport Road, Agartala - 799006 for information.
2. The Managing Director, TJML, Hapania, Agartala. He is requested to lodge FIR against the concerned officials of EPFO, Agartala for such criminal offence.

Durgesh Ranjan Choudhury
(Durgesh Ranjan Choudhury)

General Secretary

Mobile No.8787592943