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EPFO, HEAD OFFICE

MINISTRY OF LABOUR & EMPLOYMENT, GOVERNMENT OF INDIA
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File No. C.I/4/1/Misc/MunicipalCouncils/Pt./9502

Dated-26.07.2022

To,
All ACCs (HQ) / ACCs,
Zonal Offices.

27 JUL 2022

Subject: Jurisdiction to conduct inquiries to decide the applicability dispute in r/o municipal-councils and -corporations throughout India – Reg.

- Ref.: (i) HO Circular no.: RRC.II/28(31)07/53677 to 53777 dated 17.10.2007
(ii) HO Circular no.: Coord./5(16)2009/Misc./5380 dated 29.10.2009
(iii) HO Circular no.: Coord.5(16)2009/Misc/11525 dated 11.09.2012
(iv) HO Circular no.: CAIU/011(75)16/DL/Adm.Guidelines/16222 dated 21.09.2016
(v) HO Circular no.: C-I/1(5)16/7A/MOL&E/6242 dated 22.06.2017

Sir/Madam,

During the review meetings of ZOs by the Compliance Division, it was pointed out that many 7A cases are pending in various ROs for over five years as many municipal-councils and -corporations have challenged the applicability of the EPF & MP Act, 1952 in view of the provisions of Article 243Q of the Constitution of India. Further, all 7A orders upholding the applicability of the Act on municipal-councils and -corporations have subsequently been challenged before the appropriate High Courts.

2. Since, a substantial question of law is involved in deciding such applicability disputes, it has now been decided that all applicability disputes in respect of municipal-councils and -corporations covered in a Regional Office/District Office involving substantial question of law/Article 243Q shall be heard and decided by a senior officer (RPFC-II/RPFC-I) of the RO as may be decided by the RPFC-in-charge of the RO concerned.


3. It is further directed that such disputes may be decided after thorough analysis of the facts of the matter and in light of the guidance issued by Head Office from time to time through speaking orders.

4. Once the applicability dispute is decided, the assessment of dues shall be done by an officer of the appropriate hierarchy in accordance with the extant guidelines.

(This issues with the approval of the CPFC.)

Yours faithfully,

Encl: As above


(Jag Mohan)

Additional Central PF Commissioner (HQ)(Compliance)



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

No. C-I/1(5)16/7A/MOL&E

6242

Date:

22 JUN 2017

To

All ACCs (Zones)
All RPFCs-In-Charge of ROs and SROs

Sub:-Jurisdiction to conduct enquiries under Section 7A and 14B by officers in different hierarchies in field offices.

Sir,

Instructions regarding jurisdiction to conduct inquiries under section 7A and 14B by officers in different hierarchies in the field offices, were issued by the following Head Office circulars:

- Letter No. RRC.II/28(31)07/53677 to 53777 dated 17.10.2007.
- Letter No. Coord./5(16)2009/Misc./5380 dated 29.10.2009.
- Letter No. Coord.5(16)2009/Misc/11525 dated 11.09.2012.
- Letter No. CAIU/011(75)16/DL/Adm. Guidelines/16222 dated 21.09.2016

2. Consequent upon the conversion of all the Sub-Regional Offices to Regional Office, there is a need to revise the instructions as given in the above referred circulars. Accordingly, the jurisdiction to conduct inquiries under section 7A and 14B by officers in different hierarchies in the field offices is revised and shall be as given below:-

Sl. No	Type of Establishments	RO where RPFC-II is in-charge	In RO where RPFC-I is in-charge and no RC-II is posted	In RO where RPFC-I is in-charge and where RPFC-II is also posted
1.	Establishments with members up to 250	APFC	APFC	APFC
2.	Establishments with members from 251 to 1000	RPFC-II/ Officer In- Charge	RPFC-I/ Officer In- Charge	RPFC-II (C&R)
3.	Establishment with members from 1001 onwards			RPFC-I/ Officer In- Charge

3. RPFC-I or RPFC-II of the Regional office can not assign the 7A & 14B cases falling in the original jurisdiction of RPFC-I or RPFC-II to an officer working under him. Additional CPFC (Zone), as temporary measure, can assign the 7A & 14B cases falling under the original jurisdiction of RPFC-I or RPFC-II to another RPFC-I or RPFC-II in the zone only if the workload of RPFC-I or RPFC-II has reached unmanageable limit or where there is no RPFC-I/II in the Regional Office on account of transfer, leave or any other reason to be recorded in writing.

Yours faithfully,

M. Narayanappa
21/6/17

(M. Narayanappa)

Addl. Central PF Commissioner - HQ (Compliance)