



**LOKPAL OF INDIA**

**Plot No. 6, Institutional Area, Phase- II  
Vasant Kunj  
New Delhi - 110070**

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Complaint No. : 57/2023

Date : 23<sup>rd</sup> November, 2023

**Coram** : **Justice Abhilasha Kumari**  
**Judicial Member**

**Smt. Archana Ramasundaram**  
**Member**

**Shri Mahender Singh**  
**Member**

**ORDER**

The matter has arisen from a complaint dated 17.01.2023 against two senior officials of the EPFO, Bhubaneswar i.e. a serving and a former Regional Provident Fund Commissioner, Odisha, Bhubaneswar.

2. The complainant, a retired bus conductor of the Odisha State Road Transport Corporation (OSRTC), has alleged that his EPF dues for the period 1990-91 onwards amounting to Rs.22,672/- deposited by OSRTC in his favour were not credited to his EPF account by the EPFO despite several reminders, with a mala fide intention to demand bribe. He has further alleged that he was not being paid the revised pension due to him. The complainant also appears to have approached 'Nidhi Aapke Nikat (EPFO)' and the Hon'ble Lokayukta, Odisha in the matter. The Hon'ble Lokayukta had dismissed the case, giving the complainant the liberty to approach the appropriate forum.

3. The complainant has also stated that even though he was made to compulsorily retire from service in the year 2001 as he went on two days' leave due to illness, the orders passed relating to the said compulsory retirement were set aside by the Hon'ble Orissa High Court, Cuttack in the year 2015, wherein it was observed by the Court that "*the order of compulsory retirement has been passed without following due procedure of law and without compliance of principles of natural justice. The consequential order passed in appeal also suffers from the same irregularity*". In compliance, his retirement order was modified by the OSRTC and his service period was extended till his retirement date, i.e. 30.04.2013.

4. This complaint was placed before the Hon'ble Full Bench of Lokpal on 01.03.2023. It was observed that the grievance of the complainant was mainly against the EPFO for their alleged inaction and delay in settling his EPF dues and revising his EPF pension. Therefore, an Order was passed on the same date referring the complaint to the Secretary, Ministry of Labour and Employment, Government of India, for obtaining a status report from the Central Provident Fund Commissioner (CPFC) and send the same to us within a period of six weeks, i.e. on or before 24.04.2023.

5. As the status report was not received within the stipulated time frame, a reminder was sent by the Lokpal Registry vide letter dated 18.05.2023. The Ministry of Labour and Employment, vide letter dated 27.06.2023, informed that the matter was taken up with EPFO and due to non-availability of UAN/EPF/EPS account details of the complainant, EPFO was not able to rectify or take necessary action. The Ministry also requested the Lokpal to share the said details of the complainant. In reply, the Lokpal Registry, vide letter dated 04.07.2023, informed the Ministry that the required details were already available in the copy of the complaint which was enclosed with the letter dated 03.03.2023 of the Lokpal Registry. However, another copy of the complaint was sent along with the letter dated 04.07.2023 of the Lokpal Registry. This was followed by a reminder dated 28.07.2023.

6. In spite of sending reminders, no status report was received. Therefore, the matter was once again placed before the Hon'ble Full Bench of Lokpal on 27.09.2023. The Bench viewed this inordinate delay with displeasure and an Order was passed on the same date directing that a copy of the Order be sent by name to the Secretary, Ministry of Labour and Employment, Government of India with directions to expedite the report so as to reach the Office of the Lokpal of India on or before 03.11.2023.

7. In the meantime, the complainant sent certain additional documents vide his letter dated 17.10.2023, including a copy of letter dated 17.08.2023 of the EPFO, Bhubaneswar, enclosing payment details, i.e. cheque numbers and date of the EPF amount paid to him. He alleged that the amount of Rs.79,947/- mentioned in the said letter of the EPFO as paid vide two cheques of Rs.77,744/- and Rs.2203/- had not been received by him. He also enclosed copies of the counter objection petitions submitted by him before the Regional Provident Fund Commissioner.

8. In compliance with the Lokpal Orders dated 01.03.2023 and 27.09.2023, the Ministry of Labour & Employment, vide letter dated 23.10.2023, has forwarded a status report submitted by the Central Provident Fund Commissioner (CPFC), EPFO, New Delhi vide his letter dated 18.10.2023. In this letter, the CPFC, EPFO has stated that the delay in submitting the status report was due to the absence of the name and EPF account number of the complainant and also due to the time that was required for scrutiny of old records. In view of these circumstances, he has prayed for condonation of delay in submitting the status report.

9. We have perused the material on record. Two allegations have been levelled by the complainant, i.e. (i) not crediting the EPF dues amounting to Rs.22,672/- deposited by OSRTC in his favour by the EPFO and (ii) his EPF pension, which should have been calculated based on a pensionable salary of Rs.15,000/- as per Rule 2014, was instead calculated based on a pensionable salary of Rs.6500/- as per Rule 1995.

10. Regarding the allegation relating to non-payment of EPF dues, it has been clarified in the status report that the complainant had applied for withdrawal of his EPF accumulation and was paid Rs.77444/- vide cheque No.990234 dated 31.08.2004 and this amount of Rs.77444/- included the arrear EPF amount of Rs.22672/-. A copy of the bank account statement of the complainant showing the credit details has been enclosed with this status report. It is also informed that a letter was sent to the complainant on 13.10.2023 apprising him of the details of credit of the said amount in his bank account in the year 2004.

11. With regard to the second allegation of the complainant that his pension should have been calculated based on the pensionable salary of Rs.15,000/- instead of Rs.6500/-, the CPFC, EPFO has stated that the Employees' Pension Scheme, 1995 is a contributory Pension Scheme and that the pension of the employees is fixed based upon their pensionable salary subject to the wage ceiling limit as prescribed by the Government of India from time to time. The wage ceiling limit as prescribed by the Government of India was Rs.6500/- at the time of superannuation of the complainant, i.e. April, 2013. The wage ceiling limit was revised later to Rs.15,000/- with effect from 01.09.2014 vide a Gazette Notification dated 22.08.2014 (copy enclosed with the status report). As this revision of the wage ceiling limit was subsequent to his date of retirement, the pension of the complainant could not be revised.

12. We find that both the allegations have been covered and the actual position explained in this comprehensive status report. As the CPFC, EPFO, New Delhi has very categorically stated that the complainant has been paid the EPF dues and that an intimation has also been sent to him clarifying this issue, nothing remains in the matter for us to proceed further.

13. We are also of the view that this complaint has brought out the need for a more effective grievance redressal system for the EPF beneficiaries, especially the pensioners, so that the grievances of senior citizens get resolved without inordinate delays and without their having to run around from pillar to post to seek clarifications on their EPF dues. The CPFC, EPFO is directed

to take necessary action on these lines to strengthen the grievance redressal mechanism.

14. With the above direction, the complaint stands disposed of. The complainant is at liberty to approach the officials concerned in the matter, in case he so desires.

  
COURT MASTER  
LOKPAL OF INDIA