

**PEC LIMITED
(PERSONNEL DIVISION)**

No.PEC/PERS./EPFO/2022-23

Dated: 07.02.2023

CIRCULAR No. 03/2023

Sub:- Submission of 'Joint Option Form' under Para 11 (3) and Para 11 (4) of Employees Pension Scheme, 1995 in direction given by Hon'ble Supreme Court vide Order dated 04th November, 2022 passed in SLP No. 8658-8659 of 2019 titled EPFO Vs Sunil Kumar B. & Others in respect of EPFO Circular dated 29.12.2022

This is in reference to para 44 (ii) of the Order dated 04th November 2022 of Hon'ble Supreme Court passed in SPL No. 8658-8659 of 2019, amendment to the Pension scheme brought about by the notification No. G.S.R. 609 (E) dated 22nd August, 2014 shall apply to the employees of the exempted establishments in the same manner as the employees of the regular establishments. Therefore, employees of PEC Ltd. are also eligible for submission of Joint option form for availing pension on actual / higher salary.

The employees who had attained the age of 58 years prior to 01.09.2014 **without exercising any option** under paragraph 11 (3) of the pre-amendment scheme and have already exited from the membership therefore may not be entitled to the benefit of this judgement.

Employees who have not attained the age of 58 years as on 01.09.2014, only are eligible for submission of joint option form under para 11 (3) of the EPS'95 Scheme.

All working / retired / superannuated / resigned / VRS employees of the Company who are / were members of the EPS'95 Scheme as on 01.09.2014 and are willing to exercise option for contribution on actual wages in pension fund under EPS'95 are hereby required to fill and submit requisite '**Joint option form**' and declaration (Annexure – A) to get the benefit of pension on actual/ higher salary as directed by the Hon'ble Supreme Court.

Further, new employees who are not member of EPS'95 i.e. who have joined service initially on or after 01.09.2014 are not required to exercise this joint option.

The option form in triplicate duly signed in original (hard copies) shall be submitted to JGM(P&A/HR).

Willing serving employees/ retired / superannuated / resigned / VRS employees may submit their option form by hand or through speed post/courier in envelop earmarked as "**Joint Option EPS'95**" to JGM(P&A/HR), PEC Limited, 3rd Floor, Flatted Factory Complex, F Block, New Delhi – 110055.

1. On acceptance of options of the employees/ex-employees by the concerned Regional PF Commissioner, 8.33% share of employers on such higher salary along with interest prescribed will be remitted by the CPF Division to the Pension Fund. Retired employees who have withdrawn/ settled their PF will have to deposit the amount from their own sources.
2. Employees/ex-employees are liable to pay any shortfall in employer contribution alongwith prescribed interest to be remitted on account of opting joint option for higher pension under EPS' 95.
3. Additional Contribution @ 1.16% of salary exceeding Rs. 15,000/- per month w.e.f. 01.09.2014 onwards shall be required to be made, which may subsequently be adjusted from Employer contribution subject to EPFO notification on the subject.
4. The joint option form shall be subject to acceptance by EPFO as per rules.
5. A letter has been written to EPFO for providing the guidance & methodology for submission of joint declaration and remittance of balance contribution along with prescribed interest. Any formality and obligation prescribed by the EPFO shall be complied by the employees/ ex-employees opting for pension on higher wages.
6. Every Employee/ex-employee who had joined PEC Ltd. from any other organization in which he/she was member of EPS'95 scheme should fill annexure - B for every previous organization.
7. Every Employee/ex-employee who had joined PEC Ltd. from any other organization in which he/she was member of EPS'95 scheme should add their service of previous organization in current EPS number by filling Form 13 (Annexure - C).
8. The option exercise is irrecoverable at later date and no change of option shall be entertained under any circumstances.
9. The Joint option form duly filled in every manner should be submitted by concerned employee/ex-employee at the offices of Personnel Division mentioned hereinabove latest by **15th February 2023**.
10. These instructions are subject to directions/instructions of EPFO and or decision of court of law (if any) issued from time to time in this regard.

Disclaimer: In reference to judgement dated 4th November 2022 of Hon'ble Supreme Court, PEC Ltd. has written a letter dated 24.01.2022 to EPFO, Delhi seeking guidelines for submission of joint option form for exercising the pension on higher wages under EPS'95, however, the same is still awaited. This circular is being issued for implementation of said judgement only to adhere the time limit and is subject to any ratification(s)/guideline(s) that may be issued by EPFO from time to time.

Therefore, the joint option submitted by eligible employees/ ex-employees does not confer any right to receive or obligation upon PEC Limited to pay higher pension to them.


(Monisha Lakra)
Joint General Manager

Copy:

1. All Employees
2. All Unions/Associations
3. PEC's Website

Joint Option under Erstwhile Para 11 (3) & Para 11 (4) of EPS'95

To,

The Regional Provident Fund Commissioner,
 Employees Provident Fund Organization,
 28 Community Centre,
 Wazipur Industrial Area,
 Delhi - 110052

Sub: Joint Option under Para 11 (3) and Para 11 (4) of Employees Pension Scheme, 1995 based upon the Hon'ble Supreme Court's order in SLP No. 8658-8659 of 2019 titled EPFO Vs Sunil Kumar pronounced on 04th November 2022- Reg.

This is in reference to Para 43 and Para 44 (ii) of the aforesaid Order dated 04th November 2022 of Hon'ble Supreme Court of India, in the above cited Civil Appeal wherein the eligible employees/ex-employees and his/her employer are required to submit a joint option under erstwhile Para 11 (3) & 11 (4) of EPS'95 within a period of 4 months from the date of judgments.

Since no format for the joint option has been provided by EPFO (also not available on EPFO's website), based on similar formats issued by various ROs in the year 2017 & 2018 while implementing the RC Gupta judgment; in order to comply with the above requirement, we (employee/ex-employee) are, hereby submitting the joint option form as required under erstwhile Para 11 (3) & Para 11 (4) of Employees' Pension Scheme- 1995 for claiming pension on actual salary instead of ceiling salary limit of Rs.15000/-.

Particulars of the employee are as under :

Sl.No.	Particular	Details
1	Name	
2	EPS Account Number	
3	EPS Account Number Previous Organization (if any)	
4	EPS Account Number Previous Organization (if any)	
5	EPS Account Number Previous Organization (if any)	
6	Aadhaar Number	
7	UAN No.	
8	PPO Number (if any) attach copy	
9	Date of Leaving service or attained the age of 58 years which was earlier (if applicable)	
10	Correspondence Address and Mobile number	

Cont..2/-

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Declaration by Employee/Ex-employee

It is certified that immediately after joining in PEC Ltd., I had been contributing towards the Provident Fund on my actual salary / wages and an equal amount used to be contributed in my PF by the employer also as provided under Para 26 (6) of EPS Scheme 1952. It is to further certify that an amount @ 8.33% of the statutory ceiling amount i.e. Rs.15000 (earlier Rs.5000/- or Rs.6500/-) out of the employers contribution had been remitted every month towards Employees' Pension Scheme 1995 since 16th November 1995 or the date of joining whichever is later onwards.

I, do hereby opt for diverting 8.33% of my actual salary/wages out of employers contribution towards pension fund (after adjusting the amount already diverted in EPS'95 on ceiling wages) from the date of joining the EPS' 95 till my attaining the age of 58 years/VRS/resignation.

I also do hereby agree to contribute @ 1.16% on my salary (Pay + DA) exceeding Rs. 15,000/- per month from my / employer share of contribution w.e.f. 01.09.2014 onwards

(Tick whichever is applicable)

Since I have already withdrawn entire Provident Fund on my retirement/VRS/resignation, I am ready to pay the differential amount that I had taken/withdrawn after my exit/retirement;

In case my Provident Fund amount (Employer) becomes short on a/c of non-refundable advance, I am ready to pay the differential amount that I had taken/ withdrawn;

Thus making me eligible for drawing pension on the basis of average of last 60 months salary/wages as pensionable salary/wages i.e. based on my Actual salary/wages instead of being based on the statutory limit.

That I retired on attaining the age of 58 years for the purpose of EPS 1995 after 01.09.2014 on (Strike out if not applicable)

I also undertake that if any other legal formality is required in this regard, I am ready to do accordingly.

Place:-

Signature

Date:-

Name
Employee Code

Seal & signature of Employer

To be filled by the employee/ex-employee who joined PEC Ltd. from any other organization in which they were member of EPS'95 Scheme: -

(Separate Sheet should be filled for every previous organization in which employee was member of EPS'95)

S. No.	Particular	Details
1	Name of the Employee	
2	Previous Establishment Name	
3	Previous Establishment Address	
4	Previous Establishment PF Code	
5	PF Account is held by: (Name of EPF Office / PF Trust)	
6	Date of Joining EPS'95 in Previous Establishment	
7	Date of Exit EPS'95 in Previous Establishment	
8	EPS Number of Previous Establishment	
9	UAN of Previous Establishment	

- Supporting PF Slip indicating EPS number should be attached.

The above particulars are correct, and I am liable to bear any consequence arises based on the above declared facts.

Signature of the employee/ex-employee

Name of the Employee.....

Employee Code.....

Seal & signature of Employer

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TRANSFER CLAIM FORM

FORM 13 (REVISED)

CLAIM ID _____

(For EPFO Use only)


**EMPLOYEES' PROVIDENT FUND SCHEME, 1952
(PARA 57)**

To,
The Regional P F Commissioner,
Office Name: _____
Office Address: _____

(Please see instruction 3)

To,
Trust Name: _____
Trust Address: _____

(in case the PF A/C is with Exempted Establishment)

Sir,

I request that my provident fund balance along with my pension service details may please be transferred to my present account under intimation to me. My details are as under:

PART A: PERSONAL INFORMATION

1. *Name: _____
2. *Father's/Husband's name: _____
3. Mobile number: _____ 4. E-mail id: _____
5. Bank A/C number: _____ 6. IFS code of Bank branch: _____

PART B: DETAILS OF PREVIOUS ACCOUNT (WHICH IS TO BE TRANSFERRED)

1. *PF Account No. : _____
In case the previous establishment is exempted under Employees' Provident Fund Scheme, 1952
Pension Fund Account No. : _____
2. *Name and Address of the previous establishment: _____

3. *PF Account is held by: (Name of EPF Office/ PF Trust) _____
4. *Date of Birth: _____ (dd/mm/yyyy) 5. *Date of joining : _____ (dd/mm/yyyy)
6. *Date of leaving: _____ (dd/mm/yyyy)

PART C: DETAILS OF PRESENT ACCOUNT

1. *PF Account No. : _____
In case the present establishment is exempted under Employees' Provident Fund Scheme, 1952
Pension Fund Account No. : _____
2. *Name and Address of the present establishment: _____

3. *Account is held by: (Name of EPF Office / PF Trust) _____
4. *Date of joining : _____ (dd/mm/yyyy)
5. #Name of Trust (to whom funds are to be paid in case of present establishment being exempted under EPF Scheme, 1952) : _____
6. #Employee code under the Trust: _____
- (* indicates mandatory fields) (# Strike off if not applicable)

I, Certify that all the information given above is true to the best of my knowledge and I have ensured the correctness of my present and previous account numbers.

Signature of the Member

Date: _____

IMPORTANT: Member has the option to get the claim form attested by present or previous employer. In case of attestation by the previous employer, time taken in settlement will be relatively less.

Certified that I have verified the data in Part B in respect of the member mentioned in Part A of this form and the signature of the member.

Seal of the Establishment

Signature of Previous Employer

Date: _____

OR

Certified that I have verified the data in Part C in respect of the member mentioned in Part A of this form.

Seal of the Establishment

Signature of Present Employer

Date: _____

INSTRUCTIONS AND GUIDELINES

1. The Bank A/C details are for verification purpose even if the Fund is transferred to the EPFO Office/Trust maintaining the present account number.
2. In case the Previous Account was maintained by PF Trust of the exempted establishment, the member should submit a Transfer Claim Form {Form-13(Revised)} to the Trust while sending another Transfer Claim Form {Form-13(Revised)} to the PF Office for transferring the service details under the Pension Fund to the new account.
3. The Form should be submitted to that PF Office under which previous or the present account is maintained, depending upon as to which employer has attested the claim. (In case the claim is attested by the present employer, claim should be submitted with the PF Office under which the present account is maintained, and so on).
4. The mobile number (wherever, provided) of the member would be used for sending an SMS alert informing him/her the processing of his/her claim and is non-mandatory for Physical form.