

JOINT OPTION UNDER ERSTWHILE Para 11(3) & PARA 11(4) OF EMPLOYEE PENSION SCHEME 1995

Employees already attained age of 58 after 1st Sept 2014 and availing pension on statutory ceiling

To,
Regional Provident Fund Commissioner, Employees Provident
Fund Organization,
Regional office, Bhavishya Nidhi Bhawan
Aam Bagan, SNP Area, Sakchi, Jamshedpur
Jharkhand- 831001

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 C.A. No. 008143-008144/2022 Titled EPFO vs. Sunil Kumar pronounced on 04.11.2022.

Reference is invited towards para 43 and Para 44(iv) of the aforesaid judgment dated 04.11.2022 of Hon'ble Supreme Court of India in the above cited Civil Appeal wherein the eligible employee and his/her employer are required to submit a joint option under erstwhile Para 11(3) & Para 11(4) of the EPS'95 within a period of 4 months from the date of judgment to claim pension based on contribution on the actual salary rather than the prevailing salary ceiling.

Since no format for the Joint Option has been provided by EPFO (also not available on EPFO's website), we (employee and employer) accordingly hereby submit joint option form to claim pension in accordance with the provisions of erstwhile para 11(3) and 11(4) of the Employees' Pension Scheme, 1995 within the stipulated period as mentioned in the aforesaid judgement. The format used is similar to the formats issued by various Regional Offices for implementation of the RC Gupta judgment in the year 2017 & 2018. **However, it may be noted that, if in case EPFO comes out with new joint declaration form then joint option has to be exercised again in the new format.**

Particulars of the employee are as under:

1.	Name of the Employee	
2.	PPO No. (For Pensioners)	
3.	EPS A/c No.	
4.	UAN Number	
5.	Mobile No.	
6.	Aadhar No.	
7.	EPFO Establishment	
8.	Date of attaining age of 58 years	
9.	Current Address with PIN Code	
10.	Contact Number & E Mail Address	

DECLARATION BY EMPLOYEE

It is certified I joined TRF Limited prior to 01.09.2014 and continued to be member of the Pension Fund on and after 01.09.2014 and finally ceased to be a member of the Pension Fund on _____. As a member of the Pension Fund, I had contributed towards the Provident Fund on my actual salary/wages and an equal amount used to be contributed to my PF accumulation by the employer in compliance of requirement under Para 26(6) of EPF Scheme, 1952. It is to further certify that an amount @8.33% of the statutory ceiling amount i.e. Rs. 15,000/- (earlier Rs. 5,000/ 6,500) out of the Employer's Contribution was remitted every month towards Employees' Pension Scheme, 1995 for the aforesaid duration.

I do hereby give consent for depositing amount equivalent to 8.33% of my actual salary/wages (after adjusting the amount already diverted to EPS'95 on ceiling wages) from the date of joining the EPS'95 to till date and 1.16% additional contribution on actual salary less statutory ceiling from the date as and when my salary crossed statutory ceiling. In addition to that interest also payable as directed by EPFO on differential diversion amount and additional contribution. I shall not hold the company liable for any delay or non- deposit of the aforesaid amount to the Pension Fund and for any other liability which may be determined by the EPFO and the concerned authorities.

I also undertake that if any other legal formality is required in the regard, I am ready to comply with the same accordingly.

Place:

Signature:

Date:

Name:

Address:

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UNDERTAKING BY THE EMPLOYER

I, Shankar Sahu, Sr. Manager Payroll Accounts (Name and Designation) being the authorized signatory on behalf of TRF Limited (Name of the Estt.) do hereby certify that Mr. _____ has/had worked with us as _____ and already attained age of 58 years on _____. His EPS A/c No. is _____ and PPO No. is _____. He was member of the Pension Fund prior to 01.09.2014 and continued to remain the member after 01.09.2014. He has contributed towards Provident Fund on his actual salary/wages, as per Para 26(6) of the EPF Scheme 1952 with equal contribution being made by the establishment. The establishment has no objection if he deposits the due differential amount equivalent to 8.33% of actual salary/wages (less amount already contributed), additional contribution of 1.16% on actual salary less statutory ceiling w.e.f. 16.11.1995 i.e. from the date of commencement of the Scheme or when his salary/wages exceeded the statutory limit, along with due interest as declared under EPF Scheme, 1952 from time to time, thus making him eligible for drawing pension on the basis of Pensionable salary based on his actual salary/wages, instead of statutory limit prescribed in Para 11(3) & Para 11(4) of the EPS'95 Scheme in terms of the aforesaid order of Supreme court dated 04.11.2022.

The Company does not take any liability for delay or non-deposit of the amount to be deposited by the employee to the Pension Fund or any other liability which may be determined by the EPFO or the concerned authorities.

I certify that the particulars furnished above are correct as per the available record.

Place: Jamshedpur

Date:

(Signature of authorized signatory with official seal)