

The Jute Corporation of India Ltd. Contributory Provident Fund

Regd. Office: 15N Nellie Sengupta Sarani, Kolkata – 700 087

Ref No: JCI/CPF/HIGHER PENSION/

Date: 20/01/2023

CIRCULAR

Sub: Implementation of EPS 95 — Higher Pension on Salary/Wages

Ref: No. Pension/2022/54877/15149 Dt. 29.12.2022 issued by Addl. Central P.F. Commissioner (Pension) of EPFO.

Hon'ble Supreme Court has passed judgment dated 04.11.2022 in the Civil Appeal titled the Employees Provident Fund Organisation. In this judgment Supreme Court has ordered EPFO to issue guidelines for implementation of the direction issued by the Hon'ble court. In this regard EPFO has issued circular no. Pension/2022/54877/15149 Dt.29.12.2022. EPFO has given following directions:

Eligible Employees/Member:

“44(v) The employees who had retired prior to 1st September, 2014 without exercising any option under paragraph 11(3) of the pre-amendment scheme have already exited from the membership thereof. They would not be entitled to the benefit of this judgment. ”

44 (vi) The employees who have retired before 1st September, 2014 upon exercising option under paragraph 11(3) of the 1995 scheme shall be covered by the provisions of the paragraph 11(3) of the pension scheme as it stood prior to the amendment of 2014.

44(ix) we agree with the view taken by the Division Bench in the case of R.C. Gupta (Supra) so far as interpretation of the proviso to paragraph 11(3) (pre-amendment) pension scheme is concerned. The fund authorities shall implement the directives contained in the said judgment within a period of eight weeks, subject to our directions.”

It is therefore requested to all eligible Serving employees/Retired employees as on date to submit their option for higher pension scheme under Para 11(3) of the pre-amendment rules for EPS.

Employees who have joined The Jute Corporation of India Limited on and thereafter 1st September 2014 as fresh recruit are not covered under EPS 1995 pension scheme. Therefore, they are not required to submit the option for higher pension scheme under Para 11(3) of the judgement.

Further, since circular no. Pension/2022/54877/15149 Dt. 29.12.2022 of EPFO itself provides for modalities of implementation of higher pension of eligible employee retired before 1st September 2014, therefore they are also not required to submit the option to JCI CPF Trust.

This issues with the approval of the Competent Authority.



Santanu Chakraborty

Secretary/JCICPF Trust & Chief (Finance), JCI

(Declaration form by Retired Employees, retired after 1st September 2014)

To,
The Regional Provident Fund Commissioner,
Employees Provident Fund Organization,
44, Park Street,
Kolkata-700016.

Dear Sir,

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 judgement dated 04.11.2022 of Hon'ble Supreme Court of India, in the above cited Civil Appeal when in the eligible employees 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 judgement.

Since no format for the Joint Option has been provided by EPFO and same is 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 judgement, in order to comply with the above requirement, we (employees and employer) 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 employees are as under:

1.	Name & Designation of Retired Employees	
2.	EPF A/c No.	
3.	EPS No.	
4.	UAN No.	
5.	PPO No.	
6.	Mobile No.	
7.	Email ID	
8.	Aadhar No.	
9.	Date of the retirement (on attaning 58 Years)	

DECLARATION BY RETIRED EMPLOYEE:

It is certified that immediately after joining, M/s The Jute Corporation of India Limited (name of the establishment) 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 EPF Scheme, 1952. It is to further certify that an amount @ 8.33% of the statutory ceiling amount i.e. Rs 15000 (earlier Rs.5000/6500) out of the Employer's contribution had been remitted by the Employer every month towards Employees' Pension Scheme, 1995 since 16.11.1995 onwards.

I do hereby opt for diverting 8.33% of my actual salary/wages out of employer's contribution towards Pension Fund (after adjusting the amount already remitted in EPF'95 on ceiling salary/wages) from the date of joining the EPS'95 till my attaining the age of 58 years. Since I have already withdrawn the entire amount of Provident Fund on my retirement, I am ready to return the differential amount that I had withdrawn after my retirement/exit, thus making me eligible for drawing Pension on the basis of actual salary / wages instead of ceiling salary / wages in accordance with the aforesaid judgement dated 04.11.2022 of Supreme Court i.e. based on my actual salary/wages instead of being based on the statutory limit.

That I retired on attaining age of 58 years for the purpose of EPS 1995 after 01.09.2014 on -----
--20----(Month and Year). I also undertake that if any other legal formality is required in this regard, I am ready to do accordingly.

Copy of order issued by EPFO fixing my pension under EPS 1995 on attaining the age 58 years is also enclosed herewith for your reference.

Signature:**Place:****Name:****Date:****Address:**

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UNDERTAKING BY THE EMPLOYER

I, _____ (Name and Designation) being the authorized signatory on behalf of M/s. The Jute Corporation of India Ltd (Name of the Estt.) do hereby certify that Mr./Ms. _____ is working with us as _____ and has retired for the purpose of EPS-95 on attaining age of 58 years on _____. His EPF A/c. No. is _____. He / She had been contributing towards Provident Fund on his/her salary/wages, as per the terms of Para 26(6) of the EPF Scheme 1952. Equal share had been contributed by this establishment too. This establishment has no objection if he deposits/returns the due differential amount @8.33% of the employers share 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 on the statutory limit as per erstwhile Para 11(3) & Para 11 (4) of the EPS'95 Scheme as permitted to do so by the judgment dt. 04.11.2022 of the Hon'ble Supreme Court of India.

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

Place:

For JCICPF Trust

Date:

**(Signature of authorised signatory with official seal)
Authorised Signatory**

(Declaration form by Serving Employees)

To,
The Regional Provident Fund Commissioner,
Employees Provident Fund Organization,
44, Park Street,
Kolkata-700016.

Dear Sir,

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

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Particulars of the employees are as under:

1.	Name & Designation of Serving Employee	
2.	EPF A/c No.	
3.	EPS No.	
4.	UAN No.	
5.	PPO No.	
6.	Mobile No.	
7.	Email ID	
8.	Aadhar No.	
9.	Date of retirement (on attaining 58 Years)	

DECLARATION BY SERVING EMPLOYEE:

It is certified that immediately after joining, M/s The Jute Corporation of India Limited (name of the establishment) I had been contributing towards the Provident Fund on my salary/wages and an equal amount used to be contributed in my PF by the employer also as provided 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 15000 (earlier Rs.5000/6500) out of the Employer's contribution has been remitted every month towards Employees' Pension Scheme, 1995 since 16.11.1995 onwards.

I, do hereby opt for diverting 8.33% of my actual salary/wages out of employer's contribution towards Pension Fund (after adjusting the amount already diverted in EPF'95 on ceiling wages) from the date of joining the EPS'95 till my attaining the age of 58 years. Since I have not withdrawn the Provident Fund on attaining the age of 58 years and I hereby authorizes EPFO to adjust the differential amount from my Provident Fund with EPFO and 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.

Signature:**Place:****Name:****Date:****Address:**

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UNDERTAKING BY THE EMPLOYER

I. _____ (Name and Designation) being the authorized signatory on behalf of M/s. The Jute Corporation of India Ltd. (Name of the Estt.) do hereby certify that Mr./Ms. _____ Is working with us as _____ and has retired for the purpose of EPS-95 on attaining age of 58 years on _____. His EPF A/c. No. is _____. He / She had been contributing towards Provident Fund on his/her salary/wages, as per the terms of Para 26(6) of the EPF Scheme 1952. Equal share had been contributed by this establishment too. This establishment has no objection if he deposits/returns the due differential amount @8.33% of the employers share 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 on the statutory limit as per erstwhile Para 11(3) & Para 11 (4) of the EPS '95 Scheme as permitted to do so by the judgment Dt. 04.11.2022 of the Hon'ble Supreme Court of India.

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

Place:

For JCICPF Trust

Date:

**(Signature of authorised signatory with official seal)
Authorised Signatory**