



महाराष्ट्र राज्य वीज निर्मिती कंपनी मर्यादित

महाराष्ट्र शासन उपक्रम (CIN : U40100MH2005SGC153648)

एस्ट्रेला बॅटरीज विस्तारीत इमारत, धारावी रोड, माटुंगा, मुंबई - ४०० ०१९.

दुरध्वनी ०२२-२४०७७४४१/४२/४३ website: www.mahagenco.in Email ID- apocclaims@mahagenco.in

क्र. महानिर्मिती/समव्य/मासं-देयके/पेन्शन/ **क्र.पि.१०८/No - 1587** दिनांक **15 FEB 2023**

“गतिमान प्रशासन - मानव संसाधन”

परिपत्रक

विषय: कर्मचाऱ्यांच्या प्रत्यक्ष वेतनावर (Actual Salary) कर्मचारी निवृत्ती वेतन योजना (EPS-95) लागू करणेसाठी मा. सर्वोच्च न्यायालयाने दि. ०४.११.२०२२ रोजी दिलेल्या निर्णयाच्या अंमलबजावणीबाबत.

संदर्भ: १) मा. सर्वोच्च न्यायालय, नवी दिल्ली यांनी SLP (C) क्र. ८६५८-८६५९/२०१९ यावर दि. ०४.११.२०२२ रोजीचा दिलेला निर्णय.

२) कर्मचारी भविष्य निर्वाह निधी मुख्य कार्यालय, नवी दिल्ली, यांचे परिपत्रक क्र. Pension/२०२२/ ५४८७७/ १५१४९ दि. २९.१२.२०२२

३) सचिव, म.रा.वि.मंडळ, भविष्य निर्वाह निधी विश्वस्त मंडळ यांचे पत्र क्र. AD/PF/PENSION/D/४ दि. ०४.०१.२०२३

४) म.रा.वी. मंडळ सूत्रधारी कंपनीचे पत्र क्र. DF/MSEBHCL/EPS- ९५/००२ दि. ०९.०१.२०२३.

मा. सर्वोच्च न्यायालय, नवी दिल्ली यांनी SLP (C) क्र. ८६५८-८६५९ / २०१९ यावर दि.०४.११.२०२२ रोजी, कर्मचाऱ्यांच्या कमाल वेतन मर्यादा रक्कम रु.१५,०००/- (यापूर्वीची कमाल वेतन मर्यादा रु. ५,०००/- तसेच रु. ६,५००/-) वेतनावर पेन्शन फंड वर्गणी ८.३३% प्रमाणे कपात करण्याऐवजी प्रत्यक्ष वेतनावर (Actual Salary) कपात करण्याबाबत पर्याय निवडण्यासाठी निर्णय दिलेला आहे.

२. मा. सर्वोच्च न्यायालयाच्या दि. ०४ नोव्हेंबर २०२२ रोजीच्या निर्णयातील परिच्छेद ४४ (२) नुसार २०१९ च्या एस एल पी क्रमांक ८६५८-८६५९ मध्ये, अधिसूचनाद्वारे आणलेल्या कर्मचारी निवृत्ती वेतन योजनेतील (EPS-95) सुधारणा जी एस आर ६०९ (ई) दि. २२ ऑगस्ट २०१४ रोजी नियमित आस्थापनांच्या (Regular Establishment) कर्मचाऱ्यांप्रमाणेच सूट दिलेल्या आस्थापनांच्या (Exempted Establishment) कर्मचाऱ्यांना लागू राहिल.
३. मा. सर्वोच्च न्यायालयाच्या उपरोक्त निर्णयानुसार, महानिर्मिती कंपनीतील जे कर्मचारी दि. ०१ सप्टेंबर २०१४ रोजी कर्मचारी निवृत्ती वेतन योजना - १९९५ (EPS-95) योजनेचे सदस्य होते/आहेत आणि कर्मचारी निवृत्ती वेतन योजना - १९९५ (EPS-95) अंतर्गत निवृत्ती वेतन (Pension) प्रत्यक्ष वेतनावर घेण्यासाठी इच्छुक आहेत, त्यांना प्रत्यक्ष वेतनावर निवृत्ती वेतनाचा (Pension) लाभ मिळविण्यासाठी सोबतच्या नमुन्यात संयुक्त पर्यायी अर्ज (Joint Option Form) आणि घोषणापत्र- अ (Annexure - A) भरून जमा करणे आवश्यक आहे.
४. मा. सर्वोच्च न्यायालयाच्या उपरोक्त निर्णयातील परिच्छेद ४४ (v) अन्वये जे कर्मचारी परिच्छेद ११ (३) अंतर्गत कोणताही विकल्प न देता, दि. ०१ सप्टेंबर २०१४ पूर्वी सेवानिवृत्त झाले आहेत, अशा कर्मचाऱ्यांना मा. सर्वोच्च न्यायालयाच्या उपरोक्त निर्णयाचा लाभ मिळणार नाही.
५. तसेच मा. सर्वोच्च न्यायालयाच्या दि. ०४.११.२०२२ रोजीच्या उपरोक्त निर्णयानुसार, निर्णयाच्या दिनांकापासून ४ महिन्यात म्हणजेच दि. ०३.०३.२०२३ पूर्वी संयुक्त पर्यायी नमुना अर्ज (Joint Option Form) क्षेत्रीय भविष्य निर्वाह निधी कार्यालय, बांद्रा, मुंबई यांच्याकडे सादर करणे आवश्यक आहे.

६. महानिर्मिती कंपनीत कार्यरत कर्मचार्यांचे संयुक्त पर्यायी अर्ज (Joint Option Form) प्राप्त झाल्यानंतर, प्रत्यक्ष वेतनावरील कंपनीचा ८.३३ % वाटा विहित व्याजासह EPFO पेन्शन फंडात म.रा.वि.मंडळ, भविष्य निर्वाह निधी विश्वस्त मंडळाद्वारे (MSEB CPF Trust) जमा करण्यात येईल. ज्या माजी कर्मचार्यांची अंतिम भ. नि. नि. ची पूर्ण रक्कम अद्यापही म.रा.वि.मंडळ, भविष्य निर्वाह निधी विश्वस्त मंडळाकडे (MSEB CPF Trust) जमा असेल, अशा माजी कर्मचार्यांचे संयुक्त पर्यायी नमुना अर्ज (Joint Option Form) प्राप्त झाल्यानंतर ती रक्कम म.रा.वि. मंडळ, भविष्य निर्वाह निधी विश्वस्त मंडळामार्फत (MSEB CPF Trust) कर्मचारी भविष्य निर्वाह निधी (EPFO) कार्यालयाकडे जमा करण्याबाबत कार्यवाही करण्यात येईल.
७. सन- १९९५ पासून सर्व कार्यरत/सेवानिवृत्त अधिकारी/कर्मचारी यांचा भविष्य निर्वाह निधी बाबतची सर्व माहिती सचिव, म.रा.वि. मंडळ, भविष्य निर्वाह निधी विश्वस्त मंडळ (MSEB CPF Trust) या विभागाकडून त्यांच्या पोर्टलवर (<https://cpf1.mahadiscom.in/CpfWebProject/>) CPF Dashboard Report मध्ये उपलब्ध करण्यात आलेली आहे.
८. कर्मचारी निवृत्ती वेतन योजना - १९९५ परिच्छेद ११ (३) अंतर्गत पर्याय वापरून दि. ०१ सप्टेंबर २०१४ पूर्वी सेवानिवृत्त झालेले कर्मचारी निवृत्ती वेतन योजनेच्या परिच्छेद ११ (३) मधील तरतुदीनुसार संरक्षित केले जातील. कर्मचारी भविष्य निर्वाह निधी (EPFO) कार्यालयाने दि. ०१ सप्टेंबर २०१४ पूर्वी सेवानिवृत्त कर्मचार्यांसाठी निवृत्ती वेतनासंबंधी पर्याय निवड करण्याकरीता संयुक्त पर्यायी नमुना अर्ज (Joint Option Form) त्यांचे portal (<https://unifiedportal-mem.epfindia.gov.in/memberInterfacePohw/>) वर जाहीर केलेला आहे.
- त्याकरीता, PPO (Pension Pay Order) क्रमांकाची आवश्यकता असते. सदर PPO (Pension Pay Order) क्रमांकाबाबत माहिती करून घेण्याकरीता खाली नमूद केलेली प्रक्रीया (Process) अवलंबण्यात यावी.

<https://mis.epfindia.gov.in/PensionPaymentEnquiry>

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Know your PPO No.

↓

Pension Linked bank account Member ID

↓

MH BAN 0001251 210217
(EPS क्रमांक नोंदवा)

↓

PPO No. will display
e.g. MHBAN००११४६३३

PPO क्रमांक प्राप्त झाल्यानंतर EPFO Unified पोर्टलवर संबंधित माहिती जसे,

PPO No. _____

Name _____

Date of Birth _____

Aadhar No. _____

Aadhar link mobile _____

_____ Captcha नंतर

Consent Selection ☒

त्यानंतर, Aadhar link mobile वर OTP प्राप्त होईल,

सदर OTP टाकल्यानंतर निवड नमुना (Option Form) प्रस्तुत (Submit) केला जाईल.

९. महानिर्मिती कंपनीमधील भविष्य निर्वाह निधी अधिनियमानुसार निवृत्तीवेतनास पात्र असलेल्या अधिकारी/कर्मचारी यांना निवृत्ती वेतन योजनेअंतर्गत माहिती :-
 अ) नव्याने लागू होणाऱ्या निवृत्ती वेतना (Pension) संदर्भात माहिती.
 ब) संबंधित कर्मचार्यास निवृत्ती वेतन योजनेकरीता भरावी लागणारी रक्कम तसेच
 क) नव्याने लागू होणारी निवृत्ती वेतनाची (Pension) रक्कम (मा. सर्वोच्च न्यायालयाच्या आदेशामधील नमूद मुद्दा क्र. १० प्रमाणे) इत्यादी बाबतची माहिती CPF Portal वर उपलब्ध आहे. महानिर्मिती कंपनीतील सर्व विद्युत केंद्र/क्षेत्रीय कार्यालयातील स्थानिक मानव संसाधन विभाग प्रमुख यांच्या मदतीने कर्मचार्यांना सदरची माहिती पाहता येईल व याकरीता तेथील कल्याण अधिकारी देखील आवश्यक सहकार्य करतील.
१०. महानिर्मिती कंपनीतील सर्व विद्युत केंद्रे आणि क्षेत्रीय कार्यालयांमधील कार्यरत कर्मचारी यांनी उपरोक्त माहितीच्या आधारे त्यांचे संयुक्त पर्यायी अर्ज (Joint Option Form) विद्युत केंद्रात / क्षेत्रीय कार्यालयांमधील संबंधित मानव संसाधन विभाग प्रमुखाकडे दि. २०.०२.२०२३ पर्यंत न चुकता जमा करावेत.
११. त्याचप्रमाणे सेवानिवृत्त/निवृत्त/राजीनामा/स्वेच्छा सेवानिवृत्त झालेले कर्मचारी व निवृत्ती वेतनाकरिता पात्र कर्मचारी त्यांचा संयुक्त पर्यायी अर्ज (Joint Option Form) स्वतः किंवा स्पीड पोस्ट/कुरिअरद्वारे संबंधित विद्युत केंद्रात/क्षेत्रीय कार्यालयामध्ये दि. २०.०२.२०२३ पर्यंत न चुकता जमा करावेत. (जिथे त्यांची शेवटची नियुक्ती होती.)
१२. संबंधित विद्युत केंद्र/क्षेत्रीय कार्यालयात नोडल अधिकारी म्हणून मानव संसाधन विभाग प्रमुखांकडे प्राप्त झालेल्या संयुक्त पर्यायी अर्ज (Joint Option Form) ची यादी मानव संसाधन विभाग प्रमुख सोबत जोडलेल्या Excel Sheet मध्ये तयार करतील आणि यादी प्राप्त अर्जासहीत त्वरीत सांघिक कार्यालयास हस्तांतरीत करतील तसेच ती यादी संकेतस्थळावर/स्थानिक पातळीवर सूचना फलकावर प्रसिध्द करतील.
१३. दि. ०१.०९.२०१४ नंतर सेवानिवृत्त झालेल्या अधिकारी/कर्मचारी यांच्याकरीता निवृत्ती वेतनाबाबत भविष्य निर्वाह निधी कार्यालयाकडून संयुक्त पर्यायी अर्ज (Joint Option Form Online) भरण्याबाबत तरतूद नसल्याने, पूर्व तयारी म्हणून संबंधित अधिकारी/कर्मचारी यांच्याकडून ते कार्यरत असलेल्या कार्यालयांनी संयुक्त पर्यायी अर्ज (Joint Option Form Hard Copy) भरून घ्यावा. तथापि, याबाबत भविष्य निर्वाह निधी कार्यालयाद्वारे वेळोवेळी प्राप्त झालेल्या/होणाऱ्या सूचना/मार्गदर्शनानुसार पुढील उचित कार्यवाही करण्यात येईल.
१४. दि. ०१.०९.२०१४ पूर्वी रूजू झालेले व सद्यस्थितीत कार्यरत कर्मचारी तसेच ०१.०९.२०१४ नंतर सेवानिवृत्त झालेल्या कर्मचार्यांनी संयुक्त पर्यायी अर्ज (Joint Option Form) दि. २० फेब्रुवारी, २०२३ पर्यंत संबंधित विद्युत केंद्र/क्षेत्रीय कार्यालयाच्या मानव संसाधन विभाग प्रमुखाकडे सादर करावा लागेल. त्यानंतर सर्व विद्युत केंद्र कार्यालय/क्षेत्रीय कार्यालयांतील मानव संसाधन विभागप्रमुखांनी सर्व माहिती सांघिक कार्यालयांतील मानव संसाधन - देयके या विभागप्रमुखाकडे दि. २२.०२.२०२३ पर्यंत हस्तांतरित करावेत.
१५. संयुक्त पर्याय अर्ज सादर केल्यानंतर कोणत्याही परिस्थितीत पर्यायात बदल करता येणार नाही /केला जाणार नाही.
- (विशेष सूचना - मा. सर्वोच्च न्यायालयाच्या दि. ०४ नोव्हेंबर २०२२ रोजीच्या निकालाच्या संदर्भात कर्मचारी निवृत्ती वेतन योजना - १९९५ (EPS-१५) अंतर्गत प्रत्यक्ष वेतनावर निवृत्ती वेतन (Pension) वापर करण्यासाठी संयुक्त पर्याय अर्ज (Joint Option Form) सादर करण्यासाठी मार्गदर्शक तत्वे अद्याप प्रलंबित आहेत. हे परिपत्रक केवळ वेळेच्या मर्यादेचे पालन करण्यासाठी व झालेल्या निर्णयाच्या अंमलबजावणीसाठी आहे आणि कर्मचारी भविष्य निर्वाह निधी कार्यालयाद्वारे वेळोवेळी जारी केलेल्या कोणत्याही मान्यता/मार्गदर्शक तत्वाच्या अधीन आहे. म्हणून पात्र कर्मचार्यांनी सादर केलेला संयुक्त पर्याय अर्ज (Joint Option Form) महाराष्ट्र राज्य वीज निर्मिती कंपनी मर्या, यांना कर्मचार्यांना वाढीव निवृत्ती वेतन (Pension) देण्याचे कोणतेही अधिकार किंवा बंधन नाही.)

सोबत : Annexure - A



(भि.य.मंता)

कार्यकारी संचालक (मासं)

प्रती : १. महानिर्मिती कंपनीच्या प्रेषण यादीप्रमाणे/सर्व संबंधित कार्यरत/सेवानिवृत्त अधिकारी/कर्मचारी.

-----सर्व विद्युत केंद्र/क्षेत्रीय कार्यालय प्रमुखांनी स्थानिक पातळीवर याबाबत व्यापक प्रसिध्दी द्यावी.

२. सचिव, म.रा.वि.मंडळ, भविष्य निर्वाह निधी विश्वस्त मंडळ, धारावी, मुंबई.

Joint Option under Erstwhile Para 11(3) & Para 11(4) of EPS'95
For availing Higher Pension on actual salary instead of ceiling salary limit @ Rs. 15000/-

To,
The Regional Provident Fund Commissioner,
Employees Provident Fund Organization,
Bandra (East), Mumbai – 400051

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 N. 8658-8659 year 2019 Titled EPFO Vs Sunil Kumar pronounced on 04th November 2022 and Hon. S.C. Judgment in R.C. Gupta vs UOI (2020) 13 SCC 506 dt.04.10.2016-Reg.

Reference is invited aforesaid Orders dated 04th November 2022 of Hon'ble Supreme Court of India, in the above cited Civil cases 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 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 (also not available on EPFO's website), based on similar formats issued by various ROs in the year 2017 & 2018 while implementing the R C Gupta judgement; in order to comply with the above requirement, we (employee/ex-employee an employer) are, here by submitting the joint option form as required under erstwhile Para 11 (3) & Para (4) of Employees' Pension Scheme-1995 for clamming pension on actual salary instead of ceiling salary limit of Rs. 15000/-

Particulars of the employee are as under:

Sr. 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	
11	E-mail id	
12	Mobile number	

I) Declaration by Employee / Ex- employee

It is certified that immediately after joining in MSEB/Maharashtra State Power Generation Company Ltd., (MSEB CPF Trust), 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 employer's 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.

(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 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 resigned /VRS/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 regards, I am ready to do accordingly.

Place :-

Date:-

Signature:-

Name:-

UAN/Member ID-

Signature of HR Section Head

II) Undertaking by an Employer

Shri.....CPF No.....was/is an Ex-Employee/Employee working under MSPGCL(MSEB Estb.Code-MHBAN/1251) and superannuate on dated..... The Contribution under EPS-95 has been remitted/Will be remitted to the Pension fund as per the contribution card prepared from 16/11/1995 under Paragraph 19 of the EPS-95. The Employer herewith furnished a consent to deposit 8.33% of actual salary by an individual to the Employees provident Fund Organization after an adjustment of an amount diverted on the ceiling amount of Rs.5,000/- Rs. 6,500/- and Rs. 15,000/- as the case may be to obtain benefit of pension on actual salary as per paragraph 11 (3) (Prior to 2014 amendment) & as per the paragraph 11(4) (Post amendment 2014) of EPS-95.

For MSEB Estb.Code-MHBAN/1251

(Authorised Signatory)



ईपीएफओ, मुख्य कार्यालय
श्रम एवं रोज़गार मंत्रालय, भारत सरकार
भविष्य निधि भवन, 14, भीकाजी कामा प्लेस, नई दिल्ली 110066



EPFO, HEAD OFFICE
MINISTRY OF LABOUR & EMPLOYMENT, GOVERNMENT OF INDIA
BHAVISHYA NIDHI BHAWAN, 14, BHIKAJI CAMA PLACE, NEW DELHI 110066
www.epfindia.gov.in

No. Pension/2022/54877

15149

Date:

29 DEC 2022

To,

All Addl. CPFCs, Zonal Offices.
All RPFCs / OICs, Regional Offices.

Sub: Instructions in compliance of orders contained in Para 44 (ix) read with Para 44 (v) & (vi) of Hon'ble Supreme Court judgement dated 04.11.2022 in the matter of Special Leave Petition (C) Nos. 8658-8659 of 2019.

Madam/Sir,

The above matter was referred to the Central Government for issuing directions. The Central Government vide letter dated 22.12.2022 has directed that requisite action may be taken by EPFO to implement the directions contained in **para 44 (ix) of the judgment dated 04.11.2022** of the Hon'ble Supreme Court within the stipulated timelines. Government has further directed that adequate publicity may be made to the decisions taken by EPFO to implement the said directions.

2. Accordingly, the field offices are directed to implement the directions contained in para 44 (ix) of the judgment dated 04.11.2022 of the Hon'ble Supreme Court within the stipulated timeline and to ensure adequate publicity of the decisions taken by EPFO to implement the said directions.

3. As may be seen, the Hon'ble Supreme Court has pronounced judgement dated 04.11.2022 in the matter of Special Leave Petition (C) Nos. 8658-8659 of 2019. The relevant directions of the court with respect to above-mentioned subject are as follows.

"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

contained earlier in this paragraph."

4. In this context, factual position as narrated in R.C. Gupta & ors etc. vs Regional Provident Fund Commissioner, Employees' Provident Funds Organisation & ors etc. dated 04.10.2016 is as follows: -

4.1 Paragraph 4 of the above judgement states:

"The appellant-employees on the eve of their retirement i.e. sometime in the year 2005 took the plea that the proviso brought in by the amendment of 1996 was not within their knowledge and, therefore, they may be given the benefit thereof, particularly, when the employer's contribution under the Act has been on actual salary and not on the basis of ceiling limit of either Rs.5,000/- or 6,500/- per month, as the case may be. This plea was negated by the Provident Fund Authority on the ground that the proviso visualized a cut-off date for exercise of option, namely, the date of commencement of Scheme or from the date the salary exceeded the ceiling amount of Rs.5,000/- or 6,500/- per month, as may be. As the request of the appellant-employees was subsequent to either of the said dates, the same cannot be acceded to."

4.2 Relevant portion of Paragraph 8 of the above judgement states:

".... The said dates are not cut off dates to determine the eligibility of employer employee to indicate their option under the proviso to clause 11(3) of the pension scheme".

4.3 Relevant portion of Paragraph 10 of the above judgement states:

"...If both the employer and the employee opt for deposit against the actual salary and not the ceiling amount, the exercise of the option under paragraph 26 of the provident fund scheme is inevitable. Exercise of the option under paragraph 26(6) is a necessary precursor to the exercise of the option to the Clause under 11(3). Exercise of such option, therefore, would not foreclose the exercise of a further option under Clause 11(3) of the pension scheme unless the circumstances warranting such foreclosure are clearly indicated".

5. Accordingly, the direction of the Hon'ble Supreme Court in R.C. Gupta judgement pertains to such employees who contributed on higher wages under paragraph 26(6) of EPF Scheme, and had further exercised their option under the proviso to erstwhile para 11 (3) prior to their retirement, but their option request under the proviso to paragraph 11(3) was explicitly denied by concerned office of the RPFC and /or contribution on higher salary was refunded / diverted back to provident fund accounts.

6. The following pensioners may apply digitally/ online at www.epfindia.gov.in for validating their options, if any, by the concerned Regional Office:

- i. the pensioners who as employees had contributed under paragraph 26(6) of EPF Scheme on salary exceeding the prevalent wage ceiling of Rs 5000/- or 6500/-; and
- ii. exercised joint option under the proviso to Para 11(3) of the pre-amendment scheme while being members of EPS,95; and
- iii. their exercise of such option was declined by PF authorities,

- i. The request will be made in such form and manner, as may be specified by the Commissioner.
- ii. The application form for validation will contain the disclaimer as ordered in the aforesaid government notification.
- iii. In case of share requiring adjustment from Provident Fund to Pension Fund and if any, re deposit to the fund, the explicit consent of the pensioner will be given in the application form.
- iv. In case of transfer of funds from exempted provident fund trust to pension fund of EPFO, an undertaking of the trustee shall be submitted. The undertaking shall be to the effect that due contribution along with interest-up to the date of payment, will be deposited within the specified period.
- v. The method of deposit of such funds will follow through subsequent circulars.
- vi. Aforesaid application form must contain the following specified documents for evidence and for further processing : -

- a. Proof of joint option under Para 26(6) of the EPF Scheme duly verified by the employer; and
- b. Proof of joint option under the proviso to erstwhile Para 11(3) duly verified by the employer; and
- c. Proof of remittance in Provident Fund on higher wages exceeding the prevalent wage ceiling of ₹5000/6500; and
- d. Proof of remittance in Pension Fund on higher wages exceeding the prevalent wage ceiling of ₹5000/6500, if any; and
- e. Written refusal of APFC or any other higher authority of EPFO to such requests / remittance.

8. The above application forms when received in the specified time period will be dealt with in the following manner by Regional PF Commissioner:

- i. A facility will be provided for which URL will be informed shortly. Once received, the Regional PF Commissioner shall put up adequate notice and banners on the noticeboard for wider public information.
- ii. Each application will be registered and digitally logged. The receipt number will be provided to the applicant.
- iii. The application will land into employer's login whose verification with e-sign will be essential for further processing.
- iv. RPFC will cause each application to be converted into e-file, as far as possible.
- v. The concerning dealing assistant will examine the papers including the note on receipt of due amount in the Pension Fund, and mark the case to Section Supervisor / Account Officer.
- vi. The concerning SS / AO will mark out any discrepancies and send it with the rule position to APFC / RPFC-II who after due examination will put the case to Officer-in charge of RO.
- vii. The OIC shall examine each case of pension on higher salary and dispose it by passing a speaking order that shall be intimated to the applicant through e-mail/post. Efforts will be made to intimate them through telephone/SMS.

9. Officer in-Charge of the concerned Regional office will send a weekly monitoring report to the respective Zonal Office. The monitoring format will be specified by the ACC-HQ Pension. Zonal office will also report the aggregate position of the zones weekly to the Pension Division at Head Office.

10. Any grievance by the applicant can be registered on EPFIGMS after submission of his request form and payment of due contribution, if any. The registration of such grievance shall be under specified category of higher pension with reference to Supreme Court Judgment dated 04.11.2022. All such grievances

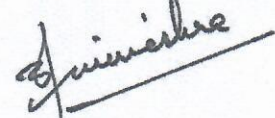
will be monitored by the Officer in-Charge of Regional Office and Zonal Office.

11. These directions are issued in compliance of the judgement dated 04.11.2022 of Hon'ble Supreme Court and notification of the MoL&E for immediate implementation.

12. This circular is being issued in supersession of all earlier instructions issued on this subject.

[This issues with the approval of CPFC.]

Yours faithfully,



(Animesh Mishra)

Addl. Central P.F. Commissioner (Pension)

Copy to: -

1. PS to Secretary to the Government of India, Ministry of Labour and Employment.
2. Under Secretary to the Government of India, Ministry of Labour and Employment with reference to letter No. R-15011/03/2022-SS-II dated 22.12.2022.
3. PS to CPFC.
4. All ACCs HQ and ACCs at H.O for information & necessary action. Further for online applications, URL may please be informed to field offices by ISD.
5. Rajbhasha section for providing Version in Hindi.