



आईटीआईलिमिटेड ITI Limited
पंजीकृत एवं निगमित कार्यालय Registered & Corporate Office
आईटीआई भवन, दूरवाणीनगर, ITI Bhavan, Dooravaninagar
बेंगलूरु Bengaluru -560 016

Corporate HR Policy Circular No. 611 Date: 31-01-2023

Sub: Implementation of Supreme Court Order on EPS 1995 Regarding Higher Pension – Submission of 'Joint Option Form' under Para 11(3) and Para 11(4) of Employee Pension Scheme, 1995 in direction given by Hon'ble Supreme Court vide Order Dated 04th November 2022 passed in SLP No. 8658-8659 of titled EPFO Vs Sunil Kumar B. & ORS. ETC For employees and Ex-employees

As part of the implementation of Supreme Court order on EPS'95 related to para 44(ii) of the Hon'ble Supreme Court Judgement dated 04th November 2022 passed in SLP No. 8658-8659 of 2019, amendment to the pension scheme brought notification no. G.S.R. 609(E) dated 22nd August 2014 employees of the exempted establishments shall apply in the same manner as the employees of the regular establishments.

Employees who have not attained the age of 58 years as on 01/10/2014, are only eligible for the submission of '**Joint Option Form**' under para 11 (3) of the EPS'95 Scheme. The format is attached in Annexure A and B to this circular.


Employees who are not members of EPS'95 i.e., who have joined service initially on or after 01/10/2014 are not required to exercise this joint option.

Therefore, all working/ retired/superannuated/ VRS employees of ITI Ltd., who are members of EPS'95 Scheme as on 01/09/2014 eligible for submission of Joint Option Form and declaration (Annexure- A) for availing pension on actual/ higher salary. The option form in triplet duly signed in original (hard copy) shall be submitted in envelop earmarked as "Joint Option EPS'95" to the concerned HR department of the unit from which employee superannuated/left ITI Ltd on or before **15th February 2023**.

On getting option in the triplicate, one copy has to be used for validating the option, one copy has to be sent to Corporate office for central follow up and other copy to be used to get information from other units/organization.

HR Department of the concerned ITI unit will be the central repository for collecting the information and ensuring that forms are complete in all respect and handed over to the concerned unit PF department for further processing.

Those employee/Ex-Employees of ITI Ltd., who are already getting the pension, option form to be submitted to the unit to which they submitted the pension claim form.


31/1/23



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.

Since the option to be executed within the stipulated time, all the units HR dept. is required to take immediate steps to complete the process.

For compliance by all.

Disclaimer: In reference to judgment dated 4th November 2022 of Hon'ble supreme Court, the 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 judgment 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 does not confer any right to receive or obligation upon ITI Limited to pay higher pension to them.

Girish Suri
31/1/23

Brig.Girish Suri (Retd.)
General Manager-HR

Enclosures:-

1. Annexure – A
2. Annexure - B

Copy to:

1. PS to CMD/ D-P/D-H/D-F/D-M/CVO- for kind information
2. All Unit Heads / Unit HR Heads/Corporate Departmental Heads



Annexure-A

To,
The Regional Provident Fund Commissioner,
Employee Provident Fund Organization,

.....
.....
.....

Sir/Madam

Sub: Joint Option under erstwhile 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 year 2019 Titled EPFO Vs Sunil Kumar pronounced on 4th November 2022- Reg.

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

Since no format for 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 judgement; in order to comply with the above requirement, we (employee/ex-employee and employer) are, hereby submitting the joint option form as required under erstwhile Para 11 (3) and 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: -

(In case of Transfer, please fill separate forms for each Staff Number)

SL.NO.	Particular	Details
1.	Name	
2.	Staff No.	
3.	Date of Birth (Attach Proof)	
4.	UAN NO.	
5.	Aadhaar Number	
6.	Unit/RO's Name	
7.	Date of Joining	
8.	Date of Relieving	
9.	EPS Account Number	
10.	EPF Account Number	
11.	Name of Previous Organization, Unit/Trust	
12.	EPS Account Number of previous org. (if any)	
13.	Date of Joining Previous organization	
14.	Date of Relieving Previous organization	
15.	PPO Number (if any) attach copy	
16.	Date of leaving service or attained the age of 58 years which was earlier (if applicable)	
17.	Address for Correspondence Mobile No. Email Id	

Supporting following document should be enclosed:

1. Appointment letter
2. Joining order/letter
3. Transfer order
4. Relieving order
5. PF Slip indicating EPS number and any other documents.



Declaration by Employee/Ex- Employee

It is certified that immediately after joining in ITI Limited, I had been contributing towards the Provident Fund on my actual salary/ wages and an equal amount used to be contributed in my Provident Fund by the employer also as provided under Para 26(6) of EPS Scheme 1952. It is to further certified that an amount @8.33% of the statutory ceiling amount i.e. Rs 15000 (earlier Rs. 5000/- or Rs 6500/-) out of the Employee 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 contributing towards pension fund (after adjusting the amount already diverting in EPS'95 on ceiling wagers) 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 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 retire 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 understand that if any other legal formality is required in this regard, I am ready to do accordingly.

Place:

Signature:

Date:

Name:

NAME OF AUTHORIZED SIGNATORY

SIGNATURE WITH ESTABLISHMENT SEAL



Annexure-B

To be filled by the employee/ex-employee who were joined ITI Limited 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)

SL.NO.	Particular	Details
1.	Name of the employee	
2.	Staff No.	
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 of PF Slip indicating EPS number should be attached.

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

Signature of the Employee/ Ex-employee

Name of the Employee:

Correspondence address:

Mobile No:

Email Id (if any):

NAME OF AUTHORIZED SIGNATORY

SIGNATURE WITH ESTABLISHMENT SEAL