

C I R C U L A R

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 Judgement dated 4th November, 2022 Passed in SLP No.8658-8659 of 2019 titled EPFO Vs. Sunil Kumar B. & ORS. ETC.

1. Hon'ble Supreme Court in its Judgement dated 4.11.2022 has done away with the distinction between Exempted and Un-Exempted Establishments for implementation of Employee's Pension Scheme. Indian Potash Limited being an Exempted Establishment is now covered by the benefit of pension on higher salary.
2. As per para 44(ii) of the Order, 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 IPL are also eligible for submission of Joint Option Form for availing Pension on Actual / Higher Salary. New Employees who are not member of EPS '95 i.e. who have joined service initially in IPL on or after 1.9.2014 are not eligible to exercise this Joint Option.
3. Accordingly, as per para 43 read with para 44(iv) of the Hon'ble Supreme Court's Judgement, serving employees who are members of EPS'95 and employees who have exited the Pension Scheme after 1.9.2014 and could not exercise the option, as contemplated in the provision to pre-amended paragraph 11(3) and amended paragraph 11(4) of the Pension Scheme to contribute to EPS'95 on actual salary are also eligible for submission of Joint Option for availing pension on higher salary. However, no instructions / guidelines have been issued by EPFO in respect of this category of employees yet.
4. As a precautionary compliance and in order to meet the deadline stipulated in the aforesaid Order, it has been decided to seek option from eligible employees / ex-employees as required under pre-amended paragraph 11(3) and amended paragraph 11(4) of the EPS'95 for claiming pension on actual salary i.e. exceeding statutory wage limit decided by EPFO from time to time under the Employees' Pension Scheme from 16.11.1995 or from the date of joining as member of Employees' Pension Scheme.

5. The Hon'ble Supreme Court has also given certain deadlines for exercising joint options by the following categories of Employees:
 - A. Active Employees who are members of EPS'95 and are yet to attain 58 years of age.
 - B. Active Employees who have exited EPS'95 (on attaining the age of 58 years) on and after 01.09.2014.
 - C. Ex-employees who have exited EPS'95 (on attaining the age of 58 years) on and after 01.09.2014
6. The last date for exercising the joint option is 3rd March, 2023. However no format / guidelines have been prescribed by EPFO so far. It is also not clear whether the option will be required in physical form or will have to be uploaded online and whether the payment of unpaid contribution is to be made along with option form or to be deposited later. The exact formula for computation of amount to be deposited has also not been indicated. Under these circumstances, it is not possible to take concrete steps by IPL or IPL staff Provident Fund Trust.
7. On acceptance of Joint Option by EPFO, 8.33% of employer's contribution on actual salary along with interest prescribed by EPFO or contribution as mandated by EPFO will be required to be remitted to EPFO within the timeline, if any, prescribed by EPFO, in this regard. Employees who have withdrawn 90% of PF balance on the verge of their Retirement and those employees for whom the employer's contribution is insufficient, shall have to arrange the funds to the extent of shortfall.
8. Ex-employees who exercise the option and are already withdrawn the Provident Fund from IPL Staff Provident Fund Trust shall have to arrange the funds for payment of arrears to EPFO, within the prescribed time. Mode & Manner of deposit of arrears shall be informed as and when the same is prescribed by EPFO.
9. Ex-employees / EPS'95 Pensioners may also note that revision in EPS'95 Pension may take considerable time as the pension payment under EPS'95 is made by the concerned office of the EPFO and is beyond the control of employer.
10. The actual monthly salary data from 1995 onwards as available in records is being collate / compiled and shall be made available to the regular / separated employees shortly, for validation of data and corrections, if any.

11. All the employees / ex-employees of IPL are requested to visit IPL's website www.Indianpotash.org No hard copies are being circulated. Employees / ex-employees willing to avail higher pension on actual wages by depositing contribution and arrears along with interest may download the Joint Option Form, fill in the required fields and submit hardcopies original (in triplicate) to **Dr. Girish Kumar, Chief Manager (HR & Legal)** through their Department Head where they are presently working or from where they separated from the services of IPL, latest by 24.02.2023 positively either by hand or through Speed Post. Non-receipt of any communication will be treated as not exercising the option for higher pension and IPL will not be responsible for such consequences.

DISCLAIMER

All concerned may please note that this Joint Option Form is being issued for the purpose of timely implementation of Hon'ble Supreme Court's Judgement Dated 4.11.2022, only to adhere to the time limit of four months directed in the Order. Since EPFO is yet to issue any format for Joint option, the present Joint option form is subject to any clarifications / guidelines / circulars that may be issued by EPFO from time to time, including re-submission of Joint option as directed by EPFO.

The Joint option submitted by Eligible employee / ex-employee does not confer any right to receive higher pension nor does it create any liability / obligation of any kind on IPL as Employer in case the format is not accepted / entertained by EPFO.

The above initiative is only as a precaution and does not confer any right to receive higher pension nor does it create any liability / obligation of any kind for IPL as an Employer.

CHIEF MANAGER (HR & LEGAL)

To

All active / retired employees of IPL
All Regional / Unit Heads

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

To

The Regional Provident Fund Commissioner,
Employees Provident Fund Organization,

Sub: 'Joint Option Form' under Para 11 (3) and Para 11 (4) of Employees Pension Scheme, 1995 in pursuance of the Hon'ble Supreme Court's Judgement dated 04/11/2022 in the matter "Employees Provident Fund Organisation & Anr. Etc. Vs. Sunil Kumr B. & Ors. Etc.; SLP No. 8658-8659 of 2019"

Reference is invited towards Para 43 and Para 44 (ii) & (iv) of the afore said Order dated 4/11/2022 of Hon'ble Supreme Court of India in the matter "Employees Provident Fund Organisation & Anr. Etc. Vs Sunil Kumar B. & Ors. Etc. SLP No. 8658-8659 of 2019" whereby the eligible employee(s)/ex-employee(s) and his/her employer are required to submit a Joint Option under pre-amended paragraph 11 (3) & amended paragraph 11 (4) of the EPS-95 within a period of 4 months from the date of Judgment.

As a precautionary compliance and in order to meet the deadline stipulated in the aforesaid judgement, we (employee/ex-employee and employer) hereby submit the Joint Option Form as required under pre-amended paragraph 11(3) and amended paragraph 11(4) of the EPS-95 for claiming pension on actual salary, i.e., exceeding statutory wage limit from time to time decided by EPFO under the Employees' Pension Scheme from 16/11/1995 or from the date of joining as Member of Employees' Pension Scheme, i.e., from _____retrospectively under EPS-95.

Particulars of the employee are as under:

Sl. No.	Particulars	Details
1	Name	
2	EPS Account Number / Member ID	
3	EPS Account Number – Previous Organization (if any)	

4	Aadhaar Number (attach self- attested copy)	
5	Date of Birth	
6	UAN Number	
7	PPO Number (if any)-attach self- attested copy	
8	Date of Joining under Employees' Pension Scheme 1995	
9	Date of Leaving service or attained 58 years whichever was earlier (if applicable)	
10	Address for Correspondence	
11	Contact / Mobile No.	
12	Email id	

Declaration by Employee/Ex-employee

It is certified that immediately after joining in Indian Potash Limited, I had been contributing towards the Provident Fund on my actual salary / wages and an equal amount was being contributed to my Provident Fund by the employer as provided under Para 26 (6) of EPF Scheme 1952. It is to further certify that an amount @ 8.33% of the statutory wage ceiling amount i.e. Rs.15,000/- (earlier Rs.5,000 or Rs.6,500/-) out of the employers contribution had been remitted every month towards Employees' Pension Scheme 1995 since 16/11/1995 or the date of joining whichever is later.

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/deposited in Pension Fund) from the date of joining the EPS'95 till my attaining age of 58/60 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 along with the upto date interest that had taken/withdrawn after my Retirement/VRS/Resignation;

In case my Provident Fund amount (out of the Employer's contribution) falls short on account of Non - refundable advance, I am ready to pay the differential amount that I had taken / withdrawn along with the due interest.

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 on and 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.

I shall also be ready to bear any financial liability arising out of the option availed for higher pension on actual salary / wages.

Signature:

Name :

EPS No. :

Place:

Date:

Declaration by the Employer/Establishment

Mr./ Mrs. _____ having EPF account no. _____ was / is an Employee of IPL. He/She has contributed to the Provident Fund on his/her actual salary/higher wages, as per the terms of Para 26(6) of the EPF Scheme 1952. This establishment has no objection if an amount of 8.33% on his/her actual salary/higher wages is diverted/deposited from his/her Provident Fund towards his/her Pension Fund from the date of commencement of the Scheme, i.e., 16/11/1995 or from the date his/her salary exceeded the statutory limit or from the date of joining the scheme, whichever is later, along with the interest upto the date of payment to till date or upto date of Retirement / VRS / Resignation.

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The Joint Option submitted by eligible employee/ex-employee does not confer any right to receive higher pension nor does it create any liability/obligation of any right to receive higher pension nor does it create any liability/obligation of any kind for IPL as Employer in case the format is not accepted / entertained by EPFO.

NAME OF AUTHORISED SIGNATORY

SIGNATURE WITH ESTABLISHMENT SEAL

Annexure – B

To be filled by the employee/ex-employee who have joined IPL 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.	Particulars	Details
1	Name	
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 and UAN should be attached and self-attested.

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

Signature of the employee / ex-employee

Place:

Name:

Date :

EPS No.:

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NAME OF AUTHORISED SIGNATORY

SIGNATURE WITH ESTABLISHMENT SEAL