

Joint Option by the Member (Ex-Employee) and the Employer

To,

The Regional Provident Fund Commissioner
Employee's Provident Fund Organization
(Ministry of Labour & Employment Govt. of India)
Regional Office, Delhi (North)
Bhavishya Nidhi Bhawan, 28, Community Centre
Wazirpur Industrial Area
Delhi-110052

Sub: - Joint Option by the Member (Ex-Employee) and the Employer for opting to remit the pension contribution @8.33% of Actual Salary instead of Capped Salary of Rs. 5000/6500/15000/-).

ESTABLISHMENT CODE: (DL/E/3825)

Dear Sir,

In accordance with Para 43 and 44 (ii) & (iv) of the Judgment dated 04th Nov' 2022 of the Hon'ble Supreme Court in the matter of CA No. 008143/008144/2023 titled as EPFO –Vs- Sunil Kumar, an eligible employees are required to submit Joint Option under erstwhile Para 11 (3) and 11(4) of EPS, 1995 within a period of four months from the date of judgment.

Considering that no Format of Joint Option has been finalized by the office of EPFO nor posted / uploaded on the EPFO website and in pursuance of Formats issued by various Regional Offices / EPFO in the years 2017 & 2018 while implementing the Judgment of the Supreme Court in the matter of R. C. Gupta Vs Union of India, We (the employer and Ex-employee/ Ex-member of EPS) are hereby submitting JOINT OPTION FORM as required under erstwhile Para 11(3) & 11(4) of EPS, 1995 for claiming pension on actual salary / pay instead of the Ceiling amount of Salary / Pay of Rs.15,000/- per month under EPF Act, 1952.

I, _____ Ex- employee of Association of State Road Transport Undertakings, New Delhi/Central Institute of Road Transport, Pune (DL/E/3825) was a member of the Employee's Pension Scheme 1995 as per detail below:-

Name of the Establishment: - Association of State Road Transport Undertakings/
Central Institute of Road Transport

Address of the Establishment: - ASRTU Bahwan, Plot No. 4-A , PSP Block,
Pocket -14, Sec-8, Dwarka, New Delhi-110077/
Post Box No. 1897, Pune Nasik Phata
Bhosari, Pune – 411 026

Establishment Code: - DSNHP0003825000

EPF / CPF No: - _____

EPS Number: - DL/E/3825/_____

Date of Joining ASRTU:- _____

PPO Number: - _____

Mobile Number: - _____

Pan Card Number: - _____

Aadhar Number: - _____

E-Mail ID:- _____

The applicant wants to state as follows

- 1) That the applicant hereby opt Higher Pension (Pension on full salary i.e. the salary on which EPF is deducted) under Para 11(3)/11(4)/26(6) of the Employee's Pension Scheme 1995.
- 2) That applicant undertakes to remit the amount (including interest up to date) as calculated by the office of Regional Provident Fund Commissioner.
- 3) That the applicant further undertakes that the applicant have understood all the terms & conditions governing the Higher Pension Option of EPS 1995 and is willing to abide by all the terms & conditions and the option form may be treated as final and cannot be changed in future.

Yours faithfully

(_____) Employee EPS No.
DL/E/3825/_____

(R.B. Malajure)

Head-Admin. Services Division, CIRT, Pune

Date:

Place: - Pune

To,

The Regional Provident Fund Commissioner
Employee's Provident Fund Organization
(Ministry of Labour & Employment Govt. of India)
Regional Office, Delhi (North)
Bhavishya Nidhi Bhawan, 28, Community Centre
Wazirpur Industrial Area
Delhi-110052

Sub: - Submission of Joint option under Para 11(1) & Para (11)(4) of Employee's Pension Scheme 1995 based upon the Hon'ble Supreme Court's judgment CA No. 008143/008144/2023 titled "EPFO-vs-Sunil Kumar" decided on 04-11-2022.

Sir/Madam,

Your kind attention is invited/ drawn towards Para 41 and Para 44 (ia) of the Captioned Judgment of the Supreme Court wherein the eligible employee & the employer are required to submit a joint option / declaration under the erstwhile Para 11(3) & Para 11(4) of the EPS'1995 within a period of four months from the date of judgment (i.e. 04-11-2022).

Particulars of the Employee

- 1) Name of Employee :- _____
- 2) Establishment's Name & Address: - Association of State Road Undertakings
ASRTU Bahwan, Plot No. 4-A , PSP Block,
Pocket -14, Sec-8, Dwarka,
New Delhi-110077
Central Institute of Road Transport
Post Box No. 1897, Pune Nasik Phata
Bhosari, Pune – 411 026
- 3) Establishment code of Employer : - DSNHP0003825000
- 4) UAN No/ PPO Number: - _____
- 5) EPS No. /EPS No. :- DL/E/3825/_____
- 6) Aadhar Number: - _____
- 7) Pan Card Number: - _____
- 8) Mobile Number :- _____
- 9) E-mail No. :- _____

Declaration by Ex-employee

It is certified that immediately after joining **Association of State Road Transport Undertakings/Central Institute of Road Transport (Esstt. Code no. DSNHP0003825000)**. I had been contributing towards the Provident Fund on my actual salary and an equal amount/ matching contribution has been also contributed by the employer in accordance with Para 16(6) of EPS scheme'1952.

It is to further certify that an amount @ 8.33% of the statutory ceiling amount (i.e.5000/6500/15000) out of the Employer's Contribution had been remitted by the Employer every month towards Pension Fund under Employees Pension Scheme'1995 since 16-11-1995/ date of joining ASRTU/CIRT & onwards till date of superannuation.

I had opted and do hereby opt to pay 8.33% of my actual salary out of Employer's contribution towards Pension fund after adjusting the EPS amount remitted by the employer/ ASRTU/CIRT from the date of joining EPS Scheme 1995 i.e.16-11-1995 till attaining the age of 58 years.

I hereby undertake to pay the due differential amount with interest accrued or the such amount as determined by EPFO to pay, thus making me eligible for drawing higher pension on the basis of actual salary/ wage/pay instead of the capped/ ceiling salary (i.e. 5000/6500/15000) and in accordance with the Para 11(1) & 11(4) of EPS 1995 and also as per the aforementioned judgment of Supreme Court dated 04-11-2022.

I undertake that the option exercised herein is subject to the EPFO's instructions / guidelines / prescribed or issued by the EPFO in this regard.

In case there is any different format for providing information of joint option/ declaration, a copy thereof may please be provided / furnished to me so that the same can be submitted with the stipulated / required time.

Place :Pune

Date :

Signature :-

Name :

PPO No:-

Mob:-

UNDERTAKING BY THE EMPLOYER

I, Shri R.B. Malajure, Head-Admin. Services Division / Secretary / Management Trustee of ASRTU Employee CPF Trust, being one of the authorized signatory of ASRTU Employees CPF Trust and also of Association of State Road Transport Undertakings (ASRTU)/ Central Institute of Road Transport (CIRT) having **Establishment Provident Fund Code no. DSNHP0003825000**, do hereby certify as under: -

- (a) That Sh./Smt./Ms. _____ is Ex-employee of this establishment / Association of State Road Transport Undertakings (ASRTU)/ Central Institute of Road Transport (CIRT) and is also Ex-member of Provident Fund Trust of the Establishment.
- (b) That the Ex-member had contributed towards Provident Fund on his actual salary / wage/pay as per the terms of Para 26 (6) of the EPF Scheme, 1952.
- (c) That the employer had also contributed the equal / matching contribution of provident fund.
- (d) That this establishment / ASRTU has NO OBJECTION if he/she transfers / remits / diverts the differential amount @ 8.33% of the employer's share w.e.f. 16-11-1995 or from the date of joining the services of this Establishment or when his / her salary/wage/pay exceeds the statutory limit / ceiling amount of Rs.5,000/6500/15000 per month, whichever is later along with interest declared under EPF Scheme, 1952 from time to time, from his/her PF/EPF account to EPS Account / Pension Fund maintained by EPFO, thus making him / her eligible for drawing pension on his/her actual salary/wage/pay instead of on the statutory limit as per erstwhile Para 11(3) & 11(4) of EPS, 1995 or such amount as determined by EPFO in accordance with the judgment dated 04-11-2022 of the Supreme Court in the matter of CA No. 008143/008144/2023 titled "EPFO-vs-Sunil Kumar".
- (e) That I hereby further undertake that the due contribution along with interest up to date of payment will be deposited/ paid/ remitted to the EPFO as its direction/ instruction/guidelines within the time specified for such remittance/deposit/ payment.
- (f) That it is hereby certified that the particulars furnished above are correct as per the available office records.

Place : Pune

Date :

(R.B. Malajure)
Head-Admin. Services Division
CIRT, Pune