

GUJARAT STATE FERTILIZERS & CHEMICALS LTD
PO: FERTILIZERNAGAR

Ref: GSFC/PENSION/EPS-95/341

Date: 27.02.2023

CIRCULAR

Sub: Submission of Joint Option under pre-amended paragraph 11(3) and amended paragraph 11(4) of Employees Pension Scheme, 1995 in pursuance of the Hon'ble Supreme Court's Order dt. 4.11.2022.

- Ref.: 1. Circular No Pension/2022/56259/6541 dated 20-02-2023.
2. EPFO Circular No. Pension/2022/54877/15149 dt. 29.12.2022.
3. Hon'ble Supreme Court order in Special Leave Petition (C) Nos. 8658-8659 of 2019 dt. 04.11.2022.

This is in continuation to the judgement of Hon'ble Supreme Court dt. 04.11.2022, in the matter of Employees Provident Fund Organization & Anr. etc. vs Sunil Kumar B. & Ors. etc.

1. GSFC-BU,SU,PU&FU are exempted establishments under Section 17(1) of the EPF & MP Act, 1952. As per para 44 (ii) of the Order dt. 04.11.2022 of Hon'ble Supreme Court passed in SPL No. 8658-8659 of 2019, amendment to the Pension scheme brought about by the Notification No. G.S.R.609 (E) dt. 22.08.2014 shall apply to the employees of the exempted establishments in the same manner as to the employees of the regular establishments. Therefore, employees of GSFC and its units are also eligible for submission of "Joint Option Form" for availing pension on actual/higher salary within a period of 4 month i.e. (03-03-2023)
2. Employees who had attained the age of 58 years prior to 1st September 2014 without exercising any option under paragraph 11(3) of the pre-amendment scheme have already exited from the membership and therefore would not be entitled to the benefit of this judgment.
3. As per para 43 read with para 44(iv) of the Hon'ble Supreme Court's Order, serving employees who are members of EPS-95 and employees who have exited the Pension Scheme after 01.09.2014 and could not exercise the option, as contemplated in the proviso 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.
4. RPFC have issued a latest Circular No 6541 dated 20th February, 2023. Copy of the Circular is also notified herewith.

5. Few Salient points are reproduced hereunder for kind attention.

5.1) Therefore, in compliance of the Hon'ble Supreme Court judgement dated 04.11.2022, following employees with their employers may submit joint option under para 11(3) and 11 (4) to the concerned Regional Office.

5.1.1 The employees and employers who had contributed under paragraph 26(6) of EPF Scheme on salary exceeding the prevalent wage ceiling of Rs 5000/- or 6500/-; and

5.1.2 did not exercise joint option under the proviso to Para 11(3) of the pre-amendment scheme (since deleted) while being members of EPS,95; and

5.1.3 were members prior to 01.09.2014 and continued to be a member on or after 01.09.2014.

5.2) The manner in which such employees would apply to the concerned Regional Office is as follows :

5.2.1 The request will be made in such form and manner, as may be specified by the Commissioner.

5.2.2 The joint option will contain the disclaimer and declaration as may be specified therein.

5.2.3 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.

5.2.4 The method of deposit and that of computation of pension will follow through subsequent circular.

5.2.5 Aforesaid joint option must contain the proof of remittance of employer's share in Provident Fund on higher wages exceeding the prevalent wage ceiling of Rs 5,000/6,500 and proof of joint option under Para 26(6) of EPD Scheme duly verified by the employer.

- 5.2.6 The above application forms when received in the time period specified in the Joint Option Form will be dealt with in the following manner by the Regional P.F. Commissioner.
- 5.2.7 A facility will be provided for which URL will be informed shortly. Once received, the Regional P.F. Commissioner shall put up adequate notice on the notice board and banners for wider public information.
- 5.2.8 The application will land into the employer's login whose verification with Digital Signature/e-sign will be essential for further processing.
6. The present Authorized Signatories for pension would sign the Joint Option Form submitted by employees/ex-employees.

Disclaimer :

The Joint Option submitted by eligible employee/ former employee does not confer any right to receive higher pension nor does it create any liability / obligation of any kind on GSFC and its units as Employer in case the application is not accepted / not entertained/ is rejected by EPFO.

For Gujarat State Fertilizers & Chemicals Ltd.



S H Purohit
Sr Vice President (HRS)

To

GSFC-OP.... for circulation all Units
All Notice Boards
GSFC Website Portal for ex-employees

cc : ED's/ SVP's/HoD's
cc ES to MD / EA to MD
cc: MD