**JOINT OPTION UNDER ERSTWHILE PARA 11(3) & PARA 11(4) EPS 1995**

To,

Regional Provident Fund Commissioner,

Employees Provident Fund Organization,

Near Income tax Circle, Ashram Road

Ahmedabad-380014

**Sub.: Submission of 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 No 8558-8659 year 2019 titled “ EPFO vs. SUNIL KUMAR’ pronounced on 04-11-2022 - Reg.**

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

 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 years 2017 & 2018 while implementing the RC Gupta judgment; 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) & Para 11(4) of Employees’ Pension Scheme -1995 for claiming pension on actual salary / wages instead of ceiling salary limit of Rs. 5000/ or Rs 6500/- or Rs. 15,000/-.

 **Particulars of the employee are as under**

|  |  |  |
| --- | --- | --- |
| Sl No | Particulars | **Details** |
| 1. | Name of the Employee |  |
| .2. | Date of Birth (DD/MM/YYYY) |  |
| 3. | Full EPF account No with Date of Joining |  |
| 4. | EPF account No of previous establishment with Date of joining and Date of exit |  |
| 5. | EPF account No of previous organization with Date of joining and Date of exit | - |
| 6. | EPS account number of previous organization if any | - |
| 7. | Universal Account Number (UAN) |  |
| 8. | Aadhar Number |  |
| 9. | Date of Leaving Service or attained the age of 58 year which was earlier (if applicable) |  |
| 10.  | PPO Number (if any) attach copy |  |
| 11 | Correspondence Address  |  |
| 12 | Mobile No registered with EPFO |  |
| 13 | Email id |  |
| 14 | Perno |  |

**DECLARATION BY EMPLOYEE / Ex- Employee**

 It is certified that immediately after joining **BHARAT SANCHAR NIGAM LTD,** 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 EPF Scheme, 1952. It is to further certify that an amount @ 8.33% of the statutory ceiling limit i.e., Rs. 15,000 (earlier Rs. 5,000/ 6,500) out of the Employer’s contribution had been remitted by my employer every month towards Employees’ Pension Scheme, 1995 since 16-11-1995/ the date of my joining onwards.

 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 in EPS’95 on ceiling salary / wages) from the date of joining the EPS’95 till my attaining the age of 58 years.

(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 or retirement. |

|  |  |
| --- | --- |
|  | In case my provident fund amount (employer portion) becomes short on account 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 statutory limit.

That I retire on attaining the age of 58 years for the purpose of EPS 95 after 1st September 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.

Copy of order issued by EPFO fixing my pension under EPS 1995 on attaining the age of 58 years is also enclosed herewith for your reference.

Place: Signature: ------------------------------

Date: Name:

Address:

 Mobile Number: