

Joint Option Form For Retired Employees

To,

Regional Provident Fund Commissioner (North),

Sub.: Submission of Joint option under Para11(3) and Para 11(4) of Employees' Pension Scheme, 1995 based upon the Hon'ble Supreme Court's Order in C.A. No. 008143 - 008144 /2022 Titled "EPFO vs Sunil Kumar" pronounced on 04.11.2022.

Reference is invited towards Para 43 and Para 44(iv) of the aforesaid judgment dated 04.11.2022 of Hon'ble Supreme Court of India. In the above cited Civil Appeal wherein the eligible employee and his/her employer are required to submit a joint option under erstwhile Para11 (3) & para 11(4) of the EPS' 95 with in 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 year 2017 & 2018 while implementing the RC Gupta judgment; in order to comply with the above requirement, we (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 instead of ceiling salary limit of Rs.15,000/-.

In this regard, particulars of the retired employee are as under:

S. No.	Particulars	Details
1.	Name of Retired Employee	
2.	Designation	
3.	EPF Account No.	
4.	Pension A/c No.	
5.	UAN Number	
6.	PPO No.	
7.	Establishment Code	
8.	Name of Establishment	
9.	Mobile No.	
10.	Aadhar No.	
11.	Email Id	
12.	Date of Exit of EPS-95 Scheme (on attaining the age of 58 years)	
13.	Residential Address	

DECLARATION BY RETIREE/EX-EMPLOYEE

It is certified that immediately after joining _____ (name of the establishment), 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 amount, 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 onwards.

I, _____(Name), 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 wages) from the date of joining the EPS'95 till my attaining the age of 58 years. Since I have already withdrawn the entire amount of Provident Fund on my attaining the age of 58 years, I undertake to return the due differential amount (i.e. the difference between the amount @8.33% of my actual salary out of

employer's contribution towards Pension Fund and the amount already remitted by the employer in EPS'95 on ceiling salary from the date of joining the EPS-95 till my attaining the age of 58 with due interest) thus making me eligible for drawing Pension on the basis of average of last 60 months Actual Salary instead of being based on ceiling salary in accordance with the aforesaid judgment.

I retired on attaining age of 58/60 years for the purpose of EPS 1995 before/after 01.09.2014 on _____(Date). I also undertake that if any other legal formality (like Submission of Joint Option in any Other Format issued by EPFO) is required in future in this regard, I will comply it accordingly.

Date:.....
Place:.....

Signature:.....
Name :.....
Address :.....
.....
.....

UNDERTAKING BY THE EMPLOYER

I, _____(Name and Designation), being the authorized signatory on behalf of _____(Name of the Estt.) do here by certify that Shri/Smt. _____was working with us as _____(Designation) and has retired on attaining age of 58 years on _____(Date). His/her EPF A/c No. is _____. He/she had been contributing towards Provident Fund on his/her actual salary, as per the terms of Para 26(6) of the EPF Scheme 1952. Equal share had been contributed by this establishment too. This establishment has no objection if he/she deposits/returns the due differential amount @ 8.33% of Basic plus DA w.e.f. 16.11.1995 i.e. from the date of commencement of the Scheme or when his/her salary exceeded the statutory limit, along with due interest as declared under EPF Scheme, 1952 from time to time, thus making him/her eligible for drawing pension on the basis of Pensionable salary based on his actual salary, instead of on the statutory limit as per erstwhile Para 11(3) & Para 11(4) of the EPS'95 Scheme as permitted to do so by the aforesaid judgment of Supreme Court dated 04.11.2022. The said Differential Amount shall be transferred by the establishment (i.e. _____) to EPFO, if employee deposits it in the establishment as per instructions issued by EPFO.

I certify that the particulars furnished above are correct as per the records available in this office.

Date:.....
Place:.....

(Signature of Authorized Signatory with Official Seal)