



# *Telecommunications Consultants India Ltd.* *Employees, Provident Fund Trust*

Exempted under Section 17(1)(a) of EPF Act, 1952

TCIL Bhawan, Greater Kailash-1, New Delhi- 110048

## **Circular- No.TCIL/EPF TRUST/HIGHER PENSION/01 DATED 18.01.2023**

**Subject :- Contributions under the EPS-95 with reference to recent order of Hon'ble Supreme court on EPS**

- Hon'ble SC has delivered a judgement on 04.11.2022 in civil appeals no. 008144 of 2022 arising out of SLP(C) No. 8658-8659 of 2019 in the matter of the employees PF organization and another vs Sunil Kumar B & others.
- The Judgment has implications for the pensioners and members of EPS-1995 in compliance with the judgement, efforts are being made by the TCIL EPF Trust in assessing the issues for implication of the judgement on members of the EPS-1995 both retired and on rolls of the TCIL.

**I. Employees who had exited the scheme before 01/09/2014 (i.e attained the age of 58 years before 01.09.2014 )**

This has reference to Circular No. Pension /2022/54988/15149 dated 29 Dec 2022 from the EPFO Head office which is issued in compliance of order contained in Para 44(ix) read with Para 44 (v) and (vi) of the Hon'ble Supreme Court Judgement dated 04.11.2022.

As per our interpretation of aforesaid circular, it is currently addressing employees who have exited the scheme (EPS) prior to 1st Sep-2014 and contributed on higher wages under paragraph 26(6) of EPF scheme and who had exercised the option for EPS-95 pension on higher salary under Para 11(3) of 1995 scheme and whose application for higher pension was rejected by the EPFO and contribution to higher wages was refunded/directed back to Provident Fund accounts.

All the above employees as per the above circular who wish to provide Consent may provide a Consent to EPFO Since the circular dated 29.12.2022 of EPFO itself provides for modalities of implementation of higher pension of eligible employees retired before 01.09.2014.

**II. Serving employees OR employees who have exited the scheme after 01/09/2014 (i.e who have attained age of 58 after 01/09/2014)**

As per the Para 44(iv) of the judgement of the Hon'ble Supreme Court, time limit of Four Months has been given to eligible employees to exercise joint option for contributions to EPS 95 scheme on actual salary instead of contribution already made on ceiling limit of Rs (5000/6500/15000). In addition if this option is exercised, then all the employees will have to deposit:-

- a. Differential amount
- b. Interest already earned on the above differential amount

Contd....



- c. Additional liability of 1.16% w.e.f 01.09.2014 of differential wages which is subject to further clarification by the EPFO & consequent determination of higher pension.

It is expected that EPFO will issue a separate circular /Guidelines for these category of employees.

#### DECLARATION TO BE SUBMITTED

For the Joint option under para 11(3) and Para 11(4) of employees' pension scheme, 1995 based upon the Hon'ble Supreme Courts' order in C.A No 008143-008144/2022 Titled EPFO vs Sunil Kumar pronounced on 04.11.2022, we are attaching herewith Sample of declaration form for Serving/Retired employees who wish to exercise such option. Please note this declaration form is in compliance with Supreme Court Judgement order dated 04.11.2022 till the EPFO official implementation order is issued. The sample declaration form is subject to further clarifications and implementation order by the EPFO as no format for the joint option has been provided by the EPFO and same is also not available on EPFO website.

Existing/Superannuated employees of TCIL EPF Trust who have their Previous service prior to TCIL EPF Trust and **wish** to exercise the joint option for contribution on higher wages under the EPS'95 are requested to collect the requisite information, documents and data as the same may be required from the respective previous organization for availing the benefit as per the Supreme Court order. Expected data requirement for EPS 95 is as under (the **below table is just an illustration purpose and only for understanding for monthly impact**):-

Month/Year	Basic Pay	DA	EPF (10%/12%) on actual salary	EPS (8.33%) on actual Salary (Revised)	EPS amount already remitted to EPFO	Differential Amount to be paid (5-6)	Interest rate year wise *	Interest on Differential Contribution	Additional liability @1.16%	Monthwise total Amount Due (7+9+10)
1	2	3	4	5	6	7	8	9	10	11
April-1997	8000	2276	1028	856	417	439	12%	52.68	-	492
Oct-14	100000	18087	14170	9837	1250	8587	8.75 %	313	1196	10096

\* The yearly interest rate as declared by the EPFO

All the data is to be provided month wise and the information should be certified by the respective organization as well as the employee. Data and information are required from all the previous organizations in which employee/ex-employee had worked and was the member of EPS-95.

**It is hereby informed that all employees who wish to exercise such option may send their declaration latest by the 15<sup>th</sup> FEB-2023 at the following Address:**

Mr. Anurag Agarwal (Mgr. PF), 3<sup>rd</sup> Floor,  
TCIL BHAWAN, GREATER KAILASH-1 ,  
NEW DELHI-110048

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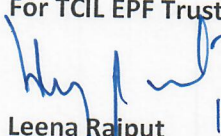
tcilepftrust@tcil.net.in Extension no. :-

26202339/26202328/26202310

Disclaimer :-This circular is being issued for implementation of said judgement only to adhere the time

limit and is subject to any ratification(s)/guideline(s) that may be issued by EPFO from time to time. Therefore, the joint option submitted by eligible employees does not confer any right to receive or obligation upon Telecommunication Consultants India Limited to pay higher pension to them.

For TCIL EPF Trust

  
Leena Rajput  
PF (SECRETARY)

18/1/2023

Encls: 1. Declaration by retiring employees.  
2. Declaration by serving employees.

Copy to:-

- a. ALL TCILIANS
- b. DIRECTOR(P)/DIRECTOR(F)/DIRECTOR(T)
- c. CGM(F&A)/CVO/CS
- d. ALL EXECUTIVE DIRECTORS/CGMs/GMs
- e. GM (IT-OPR)-For Uploading this circular on TCIL website.
- f. General Secretary, TCIL officers Association/TCIL Employees Union/TCIL Karamchari Sangh
- g. Manager to CMD
- h. Guard File



(Declaration form by Retired Employees, retired after 1<sup>st</sup> September, 2014)

To  
Regional Provident Fund Commissioner,  
Employees Provident Fund Organization,  
Wazirpur  
Delhi

Dear Sir,

**Sub: 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 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 judgement dated 04.11.2022 of Hon'ble Supreme Court of India, in the above cited Civil Appeal when in the eligible employees and his/her employer are required to submit a joint option under erstwhile Para 11(3) AND Para 11(4) of the EPS'95 within a period of 4 months from the date of judgement.

Since no format for the Joint Option has been provided by EPFO and same is 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 judgement, in order to comply with the above requirement, we (employees 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. 15000/-.

Particulars of the employees are as under :-

1.	Name & Designation of Retired Employee	
2.	EPF A/c No	
3.	EPS No.	
4.	UAN No.	
5.	PPO No.	
6.	Mobile No.	
7.	Email ID	
8.	Aadhar No.	
9.	Date of Retirement (on attaining 58 years)	

**DECLARATION BY RETIRED EMPLOYEE :**

It is certified that immediately after joining, Telecommunications Consultants India Limited (name of 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. 15000/- (earlier Rs. 5000/6500/-) out of the

Employer's contribution had been remitted by the Employer every month towards Employees' Pension Scheme, 1995 since 16.11.1995 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 remitted in EPS'95 on ceiling salary/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 retirement, I am ready to return the differential amount that I had withdrawn after retirement/exit along with Interest and additional liability if any, thus making me eligible for drawing Pension on the basis of actual / wages instead of ceiling salary/wages in accordance with the aforesaid judgement dated 04.11.2022 of the Supreme Court i.e. based on my actual salary/wages instead of being based on the statutory limit.

That I retired on attaining age of 58 years for the purpose of EPS 1995 after 01.09.2014 on \_\_\_\_/\_\_\_\_(Month and Year). 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 : \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



(Declaration form by Serving Employees)

To  
Regional Provident Fund Commissioner,  
Employees Provident Fund Organization,  
Wazirpur  
Delhi

Dear Sir,

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Particulars of the employees are as under :-

1.	Name & Designation of Serving Employee	
2.	EPF A/c No	
3.	EPS No.	
4.	UAN No.	
5.	PPO No.	
6.	Mobile No.	
7.	Email ID	
8.	Aadhar No.	
9.	Date of Retirement (on attaining 58 years)	

**DECLARATION BY SERVING EMPLOYEE :**

It is certified that immediately after joining, Telecommunications Consultants India Limited, 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. 15000/- (earlier Rs. 5000/6500/-) out of the Employer's contribution had been remitted by the Employer every month towards Employees' Pension Scheme, 1995 since 16.11.1995 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 remitted in EPS'95 on ceiling salary/wages) from the date of joining the EPS'95 till my attaining the age of 58 years. I am ready to return the differential amount along with Interest and additional liability if any, thus making me eligible for drawing Pension on the basis of actual / wages instead of ceiling salary/wages in accordance with the aforesaid judgement dated 04.11.2022 of the Supreme Court i.e. based on my actual salary/wages instead of being based on the statutory limit.

I also undertake that if any other legal formality is required in this regard, I am ready to do accordingly.

Place :

Date :

Signature \_\_\_\_\_

Name : \_\_\_\_\_

Address : \_\_\_\_\_

\_\_\_\_\_

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