



## भारतीय अक्षय ऊर्जा विकास संस्था लिमिटेड

(मानव संसाधन विभाग)

Ref. no. IREDA/HR/EPF

Date : 20/02/2023

### CIRCULAR

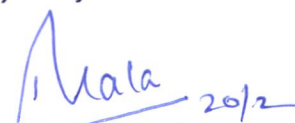
**Sub: Submission of Joint Option under pre-amended paragraph 11(3) and amended paragraph 11(4) of Employees Pension Scheme, 1995 in pursuance of the Hon'ble Supreme Court order dt. 4<sup>th</sup> November 2022.**

1. This has reference to the Hon'ble Supreme Court order dt. 4.11.2022 regarding Employees' Pension Scheme, 1995 (EPS, 95)
2. IREDA Ltd is an exempted establishment. As per para 44(ii) of the order, amendment to the Pension scheme brought about by the notification no. G.S.R. 609 (E) dt. 22.8.2014 shall apply to the employees of the exempted establishments in the same manner as to the employees of the regular establishments.
3. Accordingly, as per para 43 read with para 44 (iv) of the Hon'ble Supreme court order, serving employees who are member of EPS, 95 and employees who have exited the pension scheme after 1/9/2014 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. However, no instructions/guidelines have been issued by EPFO in respect of these category of employees yet.
4. As a precautionary compliance and in order to meet the deadline stipulated in the aforesaid order, it has been decided to seek option from eligible employees/former employees as required under pre-amended paragraph 11(3) and amended paragraph 11(4) of the EPS, 95 for claiming pension on actual salary i.e. exceeding statutory wage limit decided by EPFO from time to time under the EPS from 16-11-1995 or from the date of joining as member of EPS.
5. All the eligible employees/former employees desirous of exercising the option are required to fill the attached joint option form (**Annexure A & B**) and submit hardcopies in original (in triplicate) to HR Deptt for onward submission to Regional EPFO Office, Delhi (Central).
6. Employees who are not member of EPS, 95 i.e. who have joined service on or after 1<sup>st</sup> September, 2014 are not eligible/required to exercise the joint option.
7. Joint option form completed in all respect may positively be submitted by 25/2/2023 at HR Dept., IREDA, IHC.

8. Employees/former employees who have joined IREDA Ltd from other organization(s) are required to fill both the **Annexures A & B**.
9. On acceptance of joint option by Regional EPFO Office, Delhi (Central), 8.33% of employer's contribution on actual salary along with interest prescribed by EPFO or contribution as mandated by EPFO will be required to be remitted to EPFO within the timeline, if any, prescribed by EPFO, in this regard. Former employees who exercise the option and have already withdrawn the provident fund from IREDA ECPF Trust shall have to arrange the funds for payment of arrears to EPFO, within the prescribed time. Mode & manner of deposit the arrears shall be informed in due course in consultation with EPFO.
10. Former employees/EPS 95 pensioners may also note that revision in EPS, 95 Pension may take considerable time as the pension payment under EPS, 95.
11. The actual monthly salary data from 1995 onwards is being collated / compiled by HR Deptt with the coordination of Finance Deptt. and shall be made available to the regular/separated employees shortly.
12. All employees/former employees are required to visit [www.ireda.in](http://www.ireda.in), and employees/former employees willing to avail higher pension on actual wages by depositing contribution and arrears along with interest may download the form, fill in the required fields and submit it to HR Deptt for onward submission to IREDA ECPF Trust, New Delhi.

***Disclaimer: All concerned please note that this joint option form is being issued for the process of timely implementation of Hon'ble Supreme Court Order dtd. 4<sup>th</sup> November 2022, only to adhere to the time limit of 04 months directed in the order. Since EPFO is yet to issue any format for joint option, the present joint form is subject to any clarification(s)/guideline(s)/circular(s) that may be issued by EPFO from time to time, including re-submission of joint option as directed by EPFO.***

***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 for IREDA Ltd. as employer in case the format is not accepted/entertained by EPFO.***

  
(Mala Ghosh Choudhury)  
General Manager (HR - II)

Distribution:

- (i) All IREDA Employees of IREDA Ltd, who are on roll as on 1.9.2014.
- (ii) All IREDA Employees, who are retired after 1.9.2014.

To

Annexure-A

**The Regional Provident Fund Commissioner**

Employees Provident fund Organization

Regional Office, Delhi (Central)

Bhavishya Nidhi Bhawan

28, Wazirpur Industrial Area,

**Delhi – 110052**

**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 order dt. 4<sup>th</sup> November 2022.**

Sir/Madam

Reference is invited to Para 43 and Para 44 (ii) & (iv) of the above referred judgement dt. 4<sup>th</sup> November, 22 of the Hon'ble Supreme Court of India in the matter of EPFO & Anr. Etc. vs Sunil Kumar B. & Ors. Etc. ; SLP no. 8658-8659 of 2019, whereby the eligible employee/ex-employee and his/her employer are required to submit a joint option under pre-amended paragraph 11(3) and amended paragraph 11(4) of the EPS, 95 within a period of 4 months from the date of judgement.

As a precautionary compliance and in order to meet the deadline stipulated in the aforesaid judgement, we (employee/ex-employee and employer) hereby submit the joint option form as required under pre-amended paragraph 11(3) and amended paragraph 11(4) of the EPS, 95 for claiming pension on actual salary i.e. exceeding statutory wage limit from time to time decided by EPFO under the EPS from 16-11-95 or from the date of joining as Member of EPS, i.e. from .....retrospectively under EPS, 95

Particulars of the employee(s) are as under :

S. No.	Particulars	Details
1	Name	
2	EPS Account no. /Member ID	
3	EPS account no. of previous organization (if any)	
4	Aadhaar number (attach self-attested copy)	
5	Date of Birth	
6	UAN number	
7	PPO number (if any) (attach self-attested copy)	
8	Date of joining under EPS, 95	
9	Date of leaving service or attaching the age of 58 years whichever was earlier (if applicable)	
10	Address for correspondence	
11	Contact/Mobile no.	
12	Email ID	



**Declaration of Employee/Ex-employee**

It is certified that immediately after joining IREDA Ltd, I had been contributing towards the provident fund on my actual salary/wages and on equal amount was being contributed to my Provident fund by the employer as provided under Para 26 (6) of EPF Scheme, 1952. It is further certified that an amount @ 8.33% of the statutory wage ceiling i.e. Rs. 15000/- (earlier Rs. 5000/- or Rs. 6500/-) out of the employer's contribution had been remitted every month towards EPS, 95 since 16<sup>th</sup> November, 1995 or the date of joining whichever is later.

I, do hereby opt for diverting/depositing 8.33% of my actual salary/wages out of employer's contribution towards the pension fund (after adjusting the amount already diverted/deposited in pension fund) from the date of joining EPS, 95 till my attaining the age of 58/60 years/VRS/resignation.

{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 along with the up-to-date interest that I have taken/withdrawn after my retirement/VRS/resignation,

☐

In case of my provident fund amount (out of the employer's contribution) falls short on account of non-refundable advance. I am ready to pay the differential amount that I had taken/withdrawn along with the due interest.

- Thus making me eligible for drawing pension on the basis of my actual salary/wages instead of being based on the statutory wage ceiling as declared by EPFO from time to time.
- That I retired on attaining the age of 58 years for the purpose of EPS 95 after 1.9.2014 on .....(strike out which is applicable)

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

I shall also be ready to bear any financial liability arising out of the option availed for higher pension on actual salary.

Place :

Signature :

Date :

Name :

PF Code :

**Declaration by the Employee/Establishment**

Shri/Smt. \_\_\_\_\_ having PF code no. \_\_\_\_\_ was/is an employee of IREDA Ltd. He/she has contributed to the provident fund on his/her actual salary/higher wages, as per the terms of Para 26(6) of the EPF scheme, 1952. This establishment has no objection if an amount of 8.33% on his/her actual salary/higher wages is diverted/deposited from his/her provident fund towards his/her pension fund from the date of commencement of the scheme, i.e. 16/11/1995 or from the date his/her salary exceeded the statutory limit or from the date of joining the scheme, whichever is later, along with the interest upto the date of payment to till date or upto date of retirement/VRS/resignation.

**Disclaimer**

All concerned please note that this joint option form is being issued for the purpose of timely implementation of Hon'ble supreme court order dt. 4<sup>th</sup> November, 2022, only to adhere to the time limit of 4 months directed in the order. Since EPFO is yet to issue any format for joint option, the present joint option form is subject to any clarification(s)/guideline(s)/circular(s) that may be issued by EPFO from time to time, including re-submission of joint option as directed by EPFO.

The joint option submitted by eligible employee/former employee does not confer any right to receive higher pension nor does it created any liability/obligation of any kind of IREDA as Employer in case the format is not accepted/entertained by EPFO.

**NAME OF THE AUTHORIZED SIGANTORY**

**SIGNATURE WITH ESTABLISHMENT SEAL**

**Annexure-B**

**To be filled by the employee/ex-employee who joined IREDA Ltd from any other organization in which they were member of EPS, 95 :**

(Separate sheet should be filled for every previous organization in which employee was member of EPS, 95)

S. No.	Particulars	Details
1.	Name of the employee	
2.	Previous establishment name	
3.	Previous establishment address	
4.	Previous establishment PF code	
5.	PF account is held by : Name of EPF office/PF Trust	
6.	Date of joining EPS, 95 – Previous establishment	
7.	Date of Exit EPS, 95-Previous establishment	
8.	EPS number of previous establishment	
9.	UAN of previous establishment	

Supporting PF slips including EPS number and UAN should be attached and self attested.

The above particulars are correct, and I am liable to bear if any consequences arises based on the above declared facts.

Place :

Signature :

Date :

Name :

PF code :

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The joint option submitted by eligible employee/former employee does not confer any right to receive higher pension nor does it created any liability/obligation of any kind of IREDA Ltd as Employer in case the format is not accepted/entertained by EPFO.

**NAME OF THE AUTHORIZED SIGANTORY**

**SIGNATURE WITH ESTABLISHMENT SEAL**