

Office of Sr. General Manager (CA/ERP-FICO)
Bharat Sanchar Bhawan(1st Floor)
H C Mathur Lane, Janpath
New Delhi – 110001
Tel : 23734110



भारत संचार निगम लिमिटेड
(भारत सरकार का उपक्रम)
BHARAT SANCHAR NIGAM LIMITED
(A Govt. of India Enterprise)

NO: BSNLCO-CA/30/2022-CA-ERP-FICO

Dated: 30.01.2023

To,

The Chief General Managers/IFAs
Bharat Sanchar Nigam Limited
All Circles.

- Sub :** Instructions and Guidelines for Compliance of Hon'ble Supreme Court Judgement dated 04.11.2022 in the matter of Special Leave Petition(C) No.s 8658-8659 of 2019, exercise of option for higher Pension.
- Ref :** (1) Hon'ble Supreme Court Judgement dated 04.11.2022 in the matter of Special Leave Petition(C) No.s 8658-8659 of 2019 in the matter of Employees Provident fund Organisation & Anr. etc Vs. Sunil Kumar B. & Ors and option for contribution to EPS-95 on actual salary for Pension.
- (2) BSNL CO Letter No E 180523 BSNL CO-CA/30/1/2022-CA-ERP-FICO dated 03.01.2023 and 19.01.2023 regarding Instructions in compliance of Orders contained in Para 44(ix) read with para 44(v) and (vi) of Honourable Court Judgement dated 04.11.2022 in the matter of Special Leave Petition(C) No.s 8658-8659 of 2019.
- (3) EPFO Letter No Pension/2022/54877/15149 dated 29.12.2022, Corrigendum No Pension/2022/54877/15238 dated 05.01.2023 and letter No. Pension/2022/55893/15785 dated 25.01.2023 regarding Instructions in compliance of Orders contained in Para 44(ix) read with para 44(v) and (vi) of Honourable Court Judgement dated 04.11.2022 in the matter of Special Leave Petition(C) No.s 8658-8659 of 2019.

Kindly refer to BSNL CO letters dated 03.01.2023 and 19.01.2023 vide which certain guidelines were issued in the context of Hon'ble Supreme Court Judgement referred at (1) above and EPFO Letter dated 29.12.2022. BSNL Corporate Office has also taken up the matter with EPFO for providing necessary guidelines regarding the methodology/manner for applying, documents to be submitted for higher pension. However, no correspondence has been received from EPFO so far.

As the Hon'ble Supreme Court has given timeline of 4 months for submitting the option form and in anticipation of further affirmative guidelines from EPFO, the following instructions are hereby issued.

- (I) For employees who have retired before 01.09.2014,
- (i) An indicative list of BSNL recruited employees(from SAP/ERP) who have retired before 01.09.2014 is attached. The eligible employees have to visit the EPFO portal for necessary validation <https://unifiedportal-mem.epfindia.gov.in/memberinterface/>.
- (ii) The eligible employees have to give explicit consent in the application form for adjustment from Provident Fund to Pension Fund and if any, to re deposit the amount to the pension fund.
- (iii) The following documents are to be provided for processing of the case:
- (a) Proof of Joint option under Para 26(6) of the EPF scheme duly verified by the employer; and
- (b) Proof of Joint Option under the proviso to erstwhile Para 11(3) duly verified by the employer; and
- (c) Proof of remittance in Provident Fund on higher wages exceeding the prevalent wage ceiling of Rs. 5000/Rs.6500; and
- (d) Proof of remittance in Pension Fund on higher wages exceeding the prevalent wage ceiling of Rs. 5000/Rs.. 6500, if any; and

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(e) Written refusal of APFC or any other higher authority of EPFO to such requests/remittance.

(II) As regards employees who have retired after 01.09.2014 or are still working,

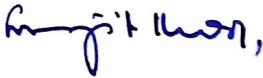
(i) In anticipation of affirmative guidelines in a manner similar to the employees retired before 01.09.2014 and in keeping with Hon'ble Supreme Court Judgment in CA nos. 8658-8659, all eligible serving employees/Retired employees are requested to submit the option for higher pension scheme in the form annexed to this letter.

(ii) The following points are to be noted by the employees :

- (a) The option form in triplicate duly signed in original (hard copies) shall be submitted to the Payroll DDOs of the Concerned BAs.
- (b) The joint option form shall be subject to acceptance by EPFO, as per rules.
- (c) Every employee/ex-employee who had joined BSNL from any other organization in which he/she was member of EPS' 1995 should provide complete details for each previous organization. These employees who had joined BSNL from any other organization in which he/she was member of EPS' 1995 should add their service, in previous organization in current EPS number by filling Form 13.
- (d) The option once accepted by EPFO is irrevocable at later date and no change of option will be entertained under any circumstances.
- (e) The joint option form duly filled in every manner should be submitted by concerned employee/ex-employees latest by 10th February, 2023.
- (f) These instructions are subject to directions/instructions of EPFO and/or decision of any court of law issued from time to time in this regard.
- (g) The necessary Employer Declaration will follow.
- (h) The Employees shall submit the joint option forms at the earliest without waiting for its availability in ESS. The same will be notified.

Employees, who have become members of EPF on and after 1st September, 2014 are not covered under EPS' 95 Pension Scheme. They are not required to submit the option form for higher pension scheme under para 11(3). The above is subject to guidelines to be issued by EPFO.

Encl. As above.


(Surajit Mandol)
Sr. GM (CA/ERP-FICO)

Copy for kind Information to :

- (i) Director (F) / Director (HR), BSNL CO New Delhi.
- (ii) PGM(Estt.)/PGM(SR), BSNL CO New Delhi.
- (iii) GM (Pers) is requested to configure the option form at Employee login (ESS) for all BSNL recruited employees.
- (iv) Sr.GM(CIT), is requested to make available all these letters including the intranet.bsnl.co.in and available without login to facilitate access by retired & existing employees.

To,

The Regional Provident Fund Commissioner

Employees Fund Provident Fund Organization

Sub : Joint Option under Para 11(3) and Para 11 (4) of Employees Pension Schedme, 1995 based upon the Hon'ble Supreme Court's Order in SLP No. 8658-8659 year 2019 titled EPFO Vs. Sunil Kumar Pronounced on 4th November, 2022 – Reg.

Reference is invited towards Para 43 and Para 44 (ii) & (iv) of the aforesaid order dated 4th November, 2022 of Hon'b1e Supreme Court of India, in the above cited Civil Appeal wherein the eligible employees/ex-employees and his/her employer are required to submit a joint option under erstwhile Para 11(3) & 11(4) of the EPS'95 within a period of four months from the date of Judgement.

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 R C. Gupta Judgement; 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) and 11(4) of employees' Pension Scheme 1995 for claiming pension on actual salary instead of ceiling salary limit of Rs.5,000/- or Rs. 6,500/- or 15,000/-..

Particulars of Employees are as under:-

Sl. No.	Particulars	Details
1.	Name of the Employee	
2.	Date of Birth	
3.	Full EPF Account number with Date of Joining	
4.	EPF Account Number of Previous Establishment with Date of joining and Date of Exit	
5.	EPF Account Number of Previous Organisation with Date of Joining and Date of Exit	
6.	EPS Account Number of Previous Organisation, if any	
7.	Universal Account Number (UAN)	
8.	Aadhar Number	
9.	Date of Leaving Service or attained the age of 58 years which was earlier (if applicable)	
10.	PPO Number (If any) attach Copy	
11.	Correspondence Address	
12.	Mobile Number registered with EPFO	
13.	Email ID	
14.	Pernr	

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12.	Mobile Number registered with EPFO	
13.	Email ID	
14.	Pernr	

Declaration by employee/Ex-employee

It is certified that immediately after joining Bharat Sanchar Nigam 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. 15,000 (earlier Rs. 5,000/- or Rs. 6,500/-) out of the employer's contribution had been remitted every month towards Employees' Pension Scheme; 1995 since 16th November, 1995 or the date of Joining whichever is later onwards.

I, do hereby opt for diverting 8.33% of my actual salary/wages out of employers 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.

(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/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 sixty months' salary/wages as pensionable salary/wages i.e. based on my actual salary/wages instead of being based on the statutory limit.

That I retired on attaining the age of 58 years for the purpose of EP5 1995 after 1* 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.

Signature :

Place :

Name :

Date :

Address:

Mobile

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