



Rehabilitation Plantations Limited

(A Joint Venture of Govt. of India & Govt. of Kerala)

CIN - U01119KL1976SGC002799

Regd. Office : PUNALUR- 691 305, KOLLAM DIST., KERALA, INDIA

GST No: 12AAACT8105A1Z2



RPL/RE/EPF/93
3394


Notice

13.03.2023

Pension on Higher Salary : Exercise Joint Option under para 11(3) and para 11(4) of EPS-1995 on or before 3rd May 2023

To comply with Hon'ble Supreme Court Judgment dated 04.11.2022 the Company had forwarded the Employer attested joint option (Hard Copy) of you to EPFO Kollam. But, vide letter KR/KLM/Special Cell/Misc/2022-23/533 dated 03.03.2023 (Copy enclosed) the EPFO has informed that the joint options are to be submitted online and is to be made through online portal specifically made for the purpose. It is also informed that any joint option or any other application submitted in any other form or manner other than in prescribed fashion may not be treated as valid.

Under this circumstances, to Comply with the orders contained in Para 44 (iii) & (iv) read with para 44 (v) of Hon'ble Supreme Court judgment dated 04.11.2022, to enable pension on Higher Salary to the Employees who were in service prior to 01.09.2014 and continued to be in service on or after 01.09.2014, but could not exercise joint option under erstwhile proviso to para 11(3) of EPS-1995 have to exercise their joint option online through EPFO member portal (<https://unifiedportal-mem.epfindia.gov.in/memberinterface/>) **on or before 3rd May 2023**. So, the members who are eligible and interested to opt for the same are requested to make use of the same well before 03/05/2023


Manager (P & A) (P&A)

Copy to :


1. All Notice Boards
2. Company Web site
3. PD/MF

2558



PD-111


ഫോൺ നമ്പർ : 0474-2767645
 0474-2751872
 കമ്പോഴി ഭവിയ്ക്കു വിധി സംഗ്രഹം
 (കമ്പോഴി, പരമേശ്വര നഗർ)
 പോന്നമ്മ ചേമ്പർ - I, പരമേശ്വര നഗർ,
 കോല്ലം - 691001

TELEPHONE : 0474-2767645
 0474-2751872
 എംപിപിഫിഒയിൻ്റെ പ്രവർത്തിപ്പാൻ്റെ ഹെഡ് ഓഫീസിലെ ഓഫീസുകാർ
 (കമ്പോഴിയിൽ ഉൾപ്പെടെയും, ഭാരത സർക്കാരിൽ)
 പ്രവർത്തിക്കുന്ന കമ്പോഴിയിൽ,
 പോന്നമ്മ ചേമ്പർ - I, പരമേശ്വര നഗർ,
 കോല്ലം - 691001




EMPLOYEES' PROVIDENT FUND ORGANISATION
 (MINISTRY OF LABOUR & EMPLOYMENT, GOVT. OF INDIA)
 REGIONAL OFFICE
 PONNAMMA CHAMBERS - I
 PARAMESWAR NAGAR, OPP. ARCHANA-ARADHANA THEATRE
 KOLLAM - 691 001



E-mail : ro.kollam@epfindia.gov.in



KR/KLM/Special Cell/Misc/2022-23 / 583

To,

The Manager
 Rehabilitation Plantation Ltd
 Regd Office : Punalur-691305
 Kollam

041 Dt. 04/03/2023
 Date :

M D	07/03
F M	07/03
C S	07/03/2023
P M	

 07 MAR 2023

Sub: Instructions issued by head office of EPFO in compliance of Hon'ble Supreme Court judgement dt. 04.11.2022 in the matter of Special Leave Petition (C) No. 8658-8659 of 2019 and submission of joint option under para 11(3) and 11(4) of EPS scheme reg.

Sir/Madam,


In pursuance to Hon'ble Supreme Court Order dated 04.11.2022 in the matter of Special Leave Petition (C) No. 8658-8659 of 2019, the head office of EPFO have issued instructions for compliance of the order vide circulars dated 25.01.2023 and 20.02.2023 which are available in the website of EPFO.

It is also intimated that as indicated in the circular, the joint options are to be submitted online and is to be made through the online portal specifically made for the purpose. The link for the same are as follows;

“<https://unifiedportal-mem.epfindia.gov.in/memberinterface/> “

It is also informed that in view of the above, any joint option or validation requests which is to be exercised in pursuance of Supreme Court order and EPFO circulars cited above shall only be made through the online portal as mandated in EPFO circular enclosed. As such, any joint option or any other application submitted in any other form or manner other than in the prescribed fashion may not be treated as valid.

This is for information and necessary action please.


 03/03/2023
 Yours faithfully,

Accounts Officer

Encl: Joint option list



ईपीएफओ, मुख्य कार्यालय
श्रम एवं रोज़गार मंत्रालय, भारत सरकार
भविष्य निधि भवन, 14, भीकाजी कामा प्लेस, नई दिल्ली 110066



EPFO, HEAD OFFICE

MINISTRY OF LABOUR & EMPLOYMENT, GOVERNMENT OF INDIA
BHAVISHYA NIDHI BHAWAN, 14, BHIKAIJI CAMA PLACE, NEW DELHI 110066

www.epfindia.gov.in

No. Pension/2022/56259/16541

Date: 20.02.2023

To

20 FEB 2023

All Addl. CPFCs, Zonal Offices
All RPFCS / OICs, Regional Offices

Sub: Instructions in compliance of orders contained in Para 44 (iii) & (iv) read with Para 44(v) of Hon'ble Supreme Court judgement dated 04.11.2022 in the matter of Special Leave Petition (C) Nos. 8658-8659 of 2019.

Madam/ Sir,

In compliance of the above said orders of the Hon'ble Supreme Court and directions of the Central Government, it is directed as under:

2. The field offices should implement the directions contained in Para 44(iii) & (iv) read with Para 44(v) of the judgement dated 04.11.2022 of the Hon'ble Supreme Court within the stipulated timeline.

3. As may be seen, the Hon'ble Supreme Court has pronounced judgement dated 04.11.2022 in the matter of Special Leave Petition (C) Nos. 8658-8659 of 2019. The relevant directions of the Court with respect to the above-mentioned subject are as follows:

"44 (iii) The employees who had exercised option under the proviso to paragraph 11(3) of the 1995 scheme and continued to be in service as on 1st September 2014, will be guided by the amended provisions of paragraph 11(4) of the pension scheme".

"44(iv) The members of the scheme, who did not exercise option, as contemplated in the proviso to paragraph 11(3) of the pension scheme (as it was before the 2014 Amendment) would be entitled to exercise option under paragraph 11(4) of the post amendment scheme. Their right to exercise option before 1st September 2014 stands crystallised in the judgment of this Court in the case of R.C. Gupta (supra). The scheme as it stood before 1st September 2014 did not provide for any cut-off date and thus those members shall be entitled to exercise option in terms of paragraph 11(4) of the scheme, as it stands at present. Their exercise of option shall be in the nature of joint options covering pre-amended paragraph 11(3) as also the amended paragraph 11(4) of the pension scheme. There was uncertainty as regards validity of the post amendment scheme, which was quashed by the aforesaid judgments of the three High Courts. Thus, all the employees who did not exercise option but were entitled to do so but could not due to the interpretation on cut-off date by the authorities, ought to be given a further chance to exercise their option. Time to exercise option under paragraph 11(4) of the scheme, under these circumstances, shall stand extended by a further period of four months. We are giving this direction in exercise of our jurisdiction under Article 142 of the Constitution of India. Rest of the requirements as per the amended provision shall be complied with".

"44 (v) The employees who had retired prior to 1st September 2014 without exercising any option under paragraph 11(3) of the pre-amendment scheme have already exited from the membership thereof. They would not be entitled to the benefit of this judgment."

4. Accordingly, **the employees who did not exercise option** as contemplated in the proviso to paragraph 11(3) of the Pension Scheme (as it was before the 2014 Amendment) would be entitled to exercise joint option under erstwhile para 11(3) & existing para 11(4) within the aforesaid extended period of four months. The employees who had exercised option under Para 11(3) of EPS 1995 and continued to be in service on or after 01.09.2014 will be guided by the amended provisions of paragraph 11(4) of the pension scheme, i.e. if they had not exercised the option within the time specified under Para 11(4), such employees shall not be eligible to exercise option within the extended period of four months.

5. Therefore, in compliance of the Hon'ble Supreme Court judgement dated 04.11.2022, following employees with their employers may submit joint option under para 11(3) and 11(4) to the concerned Regional Office:

- i. The employees and employers who had contributed under paragraph 26(6) of EPF Scheme on salary exceeding the prevalent wage ceiling of Rs 5000/- or 6500/-; and
- ii. did not exercise joint option under the proviso to Para 11(3) of the pre-amendment scheme (since deleted) while being members of EPS,95; and
- iii. were members prior to 01.09.2014 and continued to be a member on or after 01.09.2014.

6. The manner in which such employees would apply to the concerned Regional Office is as follows:

- i. The request will be made in such form and manner, as may be specified by the Commissioner.
- ii. The joint option will contain the disclaimer and declaration as may be specified therein.
- iii. In case of share requiring adjustment from Provident Fund to Pension Fund, and if any re-deposit to the fund, explicit consent of the employee will be given in the joint option form.
- iv. In case of transfer of funds from exempted provident fund trust to pension fund of EPFO, an undertaking of the trustee shall be submitted. The undertaking shall be to the effect that due contribution along with interest up to the date of payment, will be deposited within the specified period.
- v. In case of employees of unexempted establishments, refund of requisite employer's share of contribution, the same shall be deposited with interest at the rate declared under Para 60 of EPF Scheme, 1952, till the date of actual refund.
- vi. **The method of deposit and that of computation of pension will follow through subsequent circular.**
- vii. Aforesaid joint option must contain the proof of remittance of employer's share in Provident Fund on higher wages exceeding the prevalent wage ceiling of Rs. 5,000/6,500 and proof of joint option under Para 26(6) of EPF Scheme duly verified by the employer.

