

फेरो स्क्रेप निगम लिमिटेड

भारत सरकार का उपक्रम, मिनी रत्न-II आई एम एस प्रमाणित कंपनी
पंजीकृत कार्यालय : एफ.एस.एन.एल. भवन, इक्विपमेंट चौक,
सेंट्रल एवेन्यू, पोस्ट बॉक्स नं. 37, भिलाई-490001 (छत्तीसगढ़), भारत



Ferro Scrap Nigam Limited

A Govt. of India Undertaking, Mini Ratna-II IMS Certified Company
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सी.आई.एन./CIN : U27102CT1989GOI005468
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संदर्भ
No.

FC/ 596 /2023



एक कदम स्वच्छता की ओर

"इस्पाती इरादे से हर एक काम देश के नाम"

दिनांक :
Date :

14/02/2023

CIRCULAR

Sub: - Submission of 'Joint Option Form' under Para 11 (3) and Para 11 (4) of Employees Pension Scheme, 1995 in line with the direction given by Hon'ble Supreme Court vide Order dated 04th November 2022 passed in SLP No. 8658-8659 of 2019 titled EPFO VS Sunil Kumar B. & ORS, ETC.

As per para 44 (ii) of the Order dated 04th November 2022 of Hon'ble Supreme Court passed in SPL no. 8658-8659 of 2019, amendment to the Pension scheme brought about by the notification no. G.S.R. 609 (E) dated 22nd August 2014 shall apply to the employees of the exempted establishments in the same manner as the employees of the regular establishments.

However, contribution to the EPS-95 has been made @8.33% of prescribed wage ceiling i.e .

Rs. 5000/- till May'2001, Rs. 6500/- w.e.f. June'2001 and Rs. 15000/- w.e.f. September'2014. As per rule, EPS-95 contribution is deducted from employer's contribution to PF and is remitted to the concerned office of the Employees Provident Fund Organization (EPFO).

Hon'ble Supreme Court vide judgement dated 04.11.2022 has conveyed instructions in this regard. In terms of the judgement of Hon'ble Supreme Court dated 04.11.2022 and related instructions of EPFO, following are communicated for information.

1. Consequent to the judgement of Hon'ble Supreme Court dated 04.11.2022 EPFO has issued Circular No. Pension/2022/54877/15149 dated 29.12.2022 and Corrigendum No. Pension /2022/54877/15238 dated 05.01.2023, in compliance to the Supreme Court judgement, it specifies the employee who are eligible to exercise option as per the SC judgement.

2(a). The employees who have attained the age of 58 years prior to 01st September 2014 without exercising any option under paragraph 11 (3) of the pre-amended scheme have already exited from the membership therefore such employees would not be entitled to the above benefit. Hence, this circular does not cover employees who had retired from the services on or before 31/08/2016.

2(b). Employees who have not attained the age of 58 years as on 01st September 2014, only are eligible for submission of joint option form under para 11 (3) of the EPS'95 Scheme.

2(c). New employees who are not members of EPS'95 i.e. who have joined service initially on or after 01st September 2014 are not required to exercise this joint option.

3. In terms of the Hon'ble Supreme Court Judgment, payment of arrears of balance contribution shall follow the submission of joint declaration and arrears shall have to be remitted within the time line, if any, prescribed by EPFO in this regard. Accordingly, serving employees/ex-employees who would exercise the option now and those who have already withdrawn PF from the CPF Trust shall have to arrange the fund for payment of arrears to EPFO, within the prescribed time, Mode & manner of deposit of arrears shall be informed in due course in consultation with EPFO.

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"हिन्दी में पत्र का स्वागत है तथा प्रत्युत्तर शीघ्र दिया जाएगा"



इकाईयां - राउरकेला, बर्नपुर, भिलाई, बोकारो, विशाखापट्टणम, दुर्गापुर, डुबुरी, हरिद्वार, सेलम, मुंबई, हजौरा

Units : Rourkela, Burnpur, Bhilai, Bokaro, Vishakhapatnam, Durgapur, Duburi, Haridwar, Salem, Mumbai, Hazira



"हम व्यर्थ से अर्थ उपार्जित करते हैं"

"We generate wealth from waste"



4. Thereupon , the process of joint option for the benefit of enhanced pension is enclosed at Annexure I & II.

Annexure-I: Joint Option for Serving Members

Annexure-II Joint Option for Retired Members

5. Instructions/ modalities in pursuance of these instructions will be issued in consultation with EPFO from time to time keeping in view of the instructions of EPFO/ Courts in this regard. Any formality and obligation prescribed by the EPFO shall be complied by the employee/ex-employees submitting joint option for higher pension under EPS-95.

6. The option once exercised is irrevocable and change of option at a later date shall not be entertained under any circumstance.

7. All efforts shall be made to submit the Joint Declaration of willing employees with EPFO within the time-line prescribed in the SC Judgement. As per the SC Judgement, payment of arrears shall follow the submission of joint declaration and arrears shall have to be remitted within timeline, if any, prescribed by EPFO in this regard.

8. The joint option form shall be subject to acceptance by EPFO as per Rules.

9. It is to clarify that any arrears/enhanced pension payable cannot be determined at present and FSNL assumes no responsibility or liability in case EPFO does not enhance pension, for any reason whatsoever. The decision of EPFO shall be final in this matter.

10. The filled-up and signed Joint option form as per the above guidelines shall be submitted by 25th February 2023 from the date of issue of these instructions The Company assumes no responsibility or liability for delay in delivery by post. Copy of the filled joint option form can be mailed at fsnl.finance@gov.in. It can also be sent by Post to:

FSNL Staff Provident Fund
Ferro Scrap Nigam Limited
FSNL Bhavan, Equipment Chowk
Central Avenue, Post Box No-37,
Bhilai-490001. (C.G.), India.

This is for the information of all concerned

Sunit Roy
14/02/23
(S.K. ROY)
AGM (F&A)

Encl:-Annexure-1 & 2

(For Serving Members)

To,
The Regional Provident Fund Commissioner,
Employee Provident Fund Organization,

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.....

Sub:- Joint Option under Para 11(3) of Employee's Pension Scheme, 1995 read with Para 11(4) of Post amended scheme based on Judgement dated 4.11.2022 of Hon'ble Supreme Court regarding Pension based on higher salary.

Ref: 1. Judgement of Hon'ble Supreme Court dated 04.11.2022 in SLP No. 8658-8659 of 2019
2. EPFO, Head Office, New Delhi letter No. Pension/2022/54877/15149 dated 29.12.2022
3. EPFO, Head Office, New Delhi Corrigendum No. Pension/ 2022/54877/15238 dated 05.01.2023

Sir,

Reference is invited to Para 43 and Para 44(ii) & (iv) of the aforesaid order dated 04th November 2022 of Hon'ble Supreme Court of India wherein the eligible employees/ ex-employees and his/ her employer are required to submit a joint option under afore cited paras 11(3) & 11(4) of EPS' 95 within a period of 4 months from the date of the Judgement if they wish to draw pension on actual salary.

1. Accordingly, I hereby submit the joint option form for claiming pension on actual salary instead of ceiling salary limit prescribed from time to time.
2. I being the member of EPS, 1995 hereby authorize the Employer (FSNL) to divert 8.33% of the salary exceeding Rs. 5000/ 6500/Rs.15000 to the Pension Fund from the date of my joining the scheme with up to date interest as declared under EPF Scheme, 1952 / declared by FSNL CPF trust from time to time after adjustment of the amount already paid under the scheme.
3. I have understood all the Terms and Conditions governing the Higher Pension option of EPS-1995 and I am willing to abide therewith.
4. I understand that the Joint option form shall be subject to acceptance by EPFO as per Rules.
5. I further understand that the Option exercised is irrevocable at any later date, and no claim for change of Option shall be entertained or considered under any circumstances.
6. I understand that the option exercised herein is subject to orders of the Hon'ble Courts and instructions of EPFO issued from time to time in this regard.

Yours faithfully,

Signature/ Right or Left Hand

Thumb impression of the Employee_____.

Name & Designation	
FPS No.	
UAN No.	
Aadhar No	
Place of Posting	
Emp. No/	
Date of option	
Mobile No.	

Declaration by the Employer:

Accepted and recommended for affording necessary higher contributions from the employer's share of Provident Fund already paid to the aforesaid Employee. FSNL is already paying Inspection charges on actual salary and shall comply with all statutory provisions in this regard.

Signature of Employer with seal.

(For Retired Members)

To.
The Regional Provident Fund Commissioner,
Employee Provident Fund Organization,

.....
.....

Sub:- Joint Option under Para 11(3) of Employee's Pension Scheme, 1995 read with Para 11(4) of Post amended scheme based on Judgement dated 4.11.2022 of Hon'ble Supreme Court regarding Pension based on higher salary.

Ref: 1. Judgement of Hon'ble Supreme Court dated 04.11.2022 in SLP No. 8658-8659 of 2019
2. EPFO, Head Office, New Delhi letter No. Pension/2022/54877/15149 dated 29.12.2022
3. EPFO, Head Office, New Delhi Corrigendum No. Pension/ 2022/54877/15238 dated 05.01.2023

Sir,

Reference is invited to Para 43 and Para 44(ii) & (iv) of the aforesaid order dated 04" November 2022 of Hon'ble Supreme Court of India wherein the eligible employees/ ex-employees and his/ her employer are required to submit a joint option under afore cited paras 11(3) & 11(4) of EPS' 95 within a period of 4 months from the date of the Judgement if they wish to draw pension on actual salary.

1. Accordingly, I being the member of EPS, 1995 and having retired from service of FSNL on _____ hereby submit the joint option form for claiming pension on actual salary instead of ceiling salary limit prescribed from time to time,
2. I undertake to remit the amount (including upto date interest) as calculated and intimated by FSNL/RPFC upon acceptance of my option.
3. I have understood all the Terms and Conditions governing the Higher Pension option of EPS-1995 and I am willing to abide therewith.
4. I understand that the Joint option form shall be subject to acceptance by EPFO as per Rules.
5. I further understand that the Option exercised is irrevocable at any later date, and no claim for change of Option shall be entertained or considered under any circumstances.
6. I understand that the option exercised herein is subject to orders of the Hon'ble Courts and instructions of EPFO issued from time to time in this regard.

Yours faithfully,

Signature/ Right or Left Hand

Thumb impression of the Employee_____.

Name of the retired member	
FPS No.	
UAN No.	
PPO No.	
EPFO Branch Address	
Aadhar No.	
Place of Posting	
Emp. No.	
Date of option	
Bank Account No. Name of Pension Disbursing Bank and Branch with IFSC Code	

Declaration by the Employer:

Accepted and recommended for affording necessary higher contributions from the employer's share of Provident Fund already paid to the aforesaid Ex-employee. FSNL is already paying Inspection charges on actual salary and shall comply with all statutory provisions in this regard.

Signature of Employer with seal.