

**FACT
CORPORATE OFFICE**

CGM(HR&A)-CO-040

7.2.2023

ALL CONCERNED

Sub : Submission of 'Joint Option Form' under Para 11 (3) and Para 11 (4) of Employees Pension Scheme, 1995 - SLP No. 8658-8659 of 2019 EPFO Vs. Sunil Kumar B. & Ors, etc. dated 04.11.2022 – Supreme Court of India.

Based on the judgment dated 04.11.2022 in SLP No. 8658-8659 of 2019 of the Hon'ble Supreme Court of India, following guidelines are issued for submission of joint option for availing pension under EPS 95 Scheme on actual / higher salary:

Employees/ex-employees of the Company who are/were members of the EPS'95 Scheme as on 01st September 2014 willing to exercise option for contribution on actual wages to the pension fund are hereby advised to fill and submit the 'joint option form' and declaration as per Para 11(3) and 11(4) of EPS 95 Scheme. Also, employees/ex-employees who joined FACT from other organizations where he/ she was a member of EPS'95 scheme are further advised to fill Annexure – 1 with details of previous organization(s) also with the 'joint option form'.

The option form in duplicate duly signed in original (hard copies) shall be submitted to the respective PF offices addressed to The Secretary, PF Department, Head Office, FACT Ltd, Udyogamandal, Eloor, Kerala, Pin: 683501 or The Secretary, PF Department, FACT Ltd, Ambalamedu, Kerala, Pin: 682303, either directly or through speed post/courier. The last date for submission of option form at the PF Departments is 22.2.2023.

The joint option form shall be subject to acceptance by EPFO as per rules and these guidelines are subject to directions/instructions of EPFO and or decision of court of law (if any) issued from time to time in this regard.

The 'joint option' format is published along with this circular and also made available in the Company Website and intranet. The list of employees who submit the joint option will be published on Intranet/Company Website periodically for verification by the employees/ex-employees.

Digitally signed by Mohan Kumar
'Date: 2023.02.07 16:58:01 +05'30

A R Mohan Kumar
CGM (HR&A)

(Hindi version follows)

To
The Regional PF Commissioner
EPFO, Kochi

Joint Option under erstwhile Para 11(3) & Para 11(4) of the Employees Pension Scheme 1995 - SLP No. 8658-8659 of 2019 - EPFO Vs. Sunil Kumar - Hon'ble Supreme Court of India judgment dt. 04.11.2022.

(For existing PF/ EPS members as on 01.09.2014, & retired after 01.09.2014 / Presently in service)

Member Particulars:

Name of the member	
Badge No	
EPS A/c Number	
UAN	
Date of joining the establishment	
Mobile Number	
Present / Last Employer	The Fertilisers And Chemicals Travancore Ltd.
PPO (For Retired Members)	
Date of Superannuation	

Declaration by the member:

It is certified that from the date of joining the establishment – FACT, contribution towards Provident Fund was made on my actual salary / wages and an equal amount towards PF was contributed by the employer also as provided under Para 26(6) of the EPF Scheme 1952. Also, an amount equal to 8.33% of the applicable statutory wage ceiling/actual wages from time to time was remitted towards the EPS 1995, out of the employer's share of PF to the EPFO.

With reference to the above mentioned particulars I hereby opt to contribute towards Employees' Pension Scheme 1995 at the applicable rate of 8.33% on my actual salary/wages and also undertake to:

(Put ✓ mark as applicable)

Retired after 01.09.2014	Pay the differential amount required towards Pension Fund after adjusting the amount already paid towards EPS based on statutory wage ceiling, in accordance with the mode of calculation as prescribed	
In Service	Pay the differential amount required towards Pension Fund from my provident fund balance after adjusting the amount already paid towards EPS based on statutory wage ceiling, in accordance with the mode of calculation as prescribed. In case of any shortfall, such additional amount required shall also be separately remitted	

I also undertake to comply with any other legal/procedural formalities in this regard

Place:

Member Name:

Date:

Member Signature:

Annexure – I

To be filled up by members with past service before joining FACT (Strike through if Not Applicable)

Sl. No.	Name of the Previous Establishment	PF/EPS ID with previous establishment	Date of joining	Date of Leaving
1				
2				
3				
4				
5				

Place:
Date:

Member Name:
Member Signature:

Declaration by the Employer:

It is certified that we, as the employer has contributed towards Employer's Share of PF on the basis of actual salary/wages of the member and we do hereby confirm our consent for contributing to EPS A/c @ 8.33% on the full salary/wages of the member. The above mentioned particulars provided by the member are certified as correct as per the records available.

Signature with Establishment Seal
of the Authorized Signatory