

**NATIONAL PROJECTS CONSTRUCTION CORPORATION LIMITED  
EMPLOYEES CONTRIBUTORY PROVIDENT FUND TRUST  
PLOT NO. 148, SECTOR – 44, GURUGRAM - 122003**

**CIRCULAR**

No.300954/PENSION/Higher Pension/1

February 17, 2023

**Sub:- Implementation of EPS-95 – Higher Pension on Salary / Wages.**

**Ref:- No. Pension / 2022 / 54837 / 15149 dated 29.12.2022 issued by Addl. Central P.F. Commissioner (Pension) of EPFO.**

Hon'ble Supreme Court has passed judgment dated 04.11.2022 in the Civil Appeal titled the Employees Provident Fund Organization. In this judgment, Supreme Court has ordered EPFO to issue guidelines for implementation of the direction issued by the Hon'ble Court. In this regard EPFO has issued circular No. Pension /2022 /5487/15149 dated 29.12.2022. EPFO has given following directions:

**Eligible Employees/Member:**

“44(v) The employees who had retired prior to 1<sup>st</sup> 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.”

44(vi) The employees who have retired before 1<sup>st</sup> September, 2014 upon exercising option under paragraph 11 (3) of the 1995 scheme shall be covered by the provisions of the paragraph 11 (3) of the pension scheme as it stood prior to the amendment of 2014.

Employees who have not attained the age of 58 years as on 01<sup>st</sup> September 2014, only are eligible for submission of joint option form under para 11 (4) of the EPS'95 Scheme.

Employees who have joined NPCC Limited on and after 1<sup>st</sup> September, 2014 as fresh recruit **drawing wages( basic plus DA ) more than 15000/- per month** are not covered under EPS 1995 pension scheme. It is therefore, they are not required to submit the option for higher pension scheme under para 11 (3) of the judgment.

  
न्यासी सचिव  
Trustee Secretary  
एन पी सी सी लि. इम्प्लॉईज सी. पी. एफ ट्रस्ट  
NPCC Ltd. Employees CPF Trust  
प्लॉट नं. 148, सेक्टर-44, गुरुग्राम-122003  
Plot No. 148, Sector-44, Gurugram-122003

It is requested to all eligible Serving employees / Retired employees as on date to submit their option for higher pension scheme under para 11 (3) of the pre-amendment rules for EPS.

All the interested eligible Serving / Retired /Resigned employees, who are/were members of the EPS'95 Scheme as on 01<sup>st</sup> September 2014 and are willing to exercise contribution on actual wages in pension fund under EPS'95 are hereby required to fill and submit requisite 'joint option form' and declaration to [cpf.npcc@nic.in](mailto:cpf.npcc@nic.in) **on or before 24.2.2023** to get the benefit of pension on actual salary as directed by the Hon'ble Supreme Court

**Disclaimer:**

- Subsequent to pronouncement of the judgment dated 04.11.2022 by the Hon'ble Supreme Court of India in Civil Appeals arising out of SLP (C) No. 8658-8659 of 2019 titled EPFO & Anr vs Sunil Kumar B. & Ors. Etc. The circular(s) is being issued only and with sole intent to adhere the time limit of 04 months provided in the judgment dated 04.11.2022. The circular is subject to any guideline(s) / ratification(s) that may be issued by the EPFO from time to time.
- Further, the joint option submitted by the eligible employees does not confer any right to receive from NPCC Limited /NPCC Ltd ECPF Trust or obligate NPCC Limited /NPCC Ltd ECPF Trust to pay higher pension on actual salary/wages.



(Alok Kumar )  
JGM (F)/Trustee Secretary  
NPCC Ltd ECPF Trust

To,

All Employees / Eligible Retired Employees through mail

न्यासी सचिव  
Trustee Secretary  
एन पी सी सी लि. इन्फ्लाइज सी. पी. एफ ट्रस्ट  
NPCC Ltd. Employees CPF Trust  
प्लॉट नं. 148, सेक्टर-44, गुरुग्राम-122003  
Plot No. 148, Sector-44, Gurugram-122003

**(Joint Option cum Declaration by Employee left after 01-09-2014 but before the date of judgement dt 04-11-2022)**

To  
The Regional Provident Fund Commissioner,  
Employees Provident Fund Organization,  
Bhavishya Nidhi Bhavan, Sector-15A  
Faridabad-121007  
(Haryana)

Sub:-Joint Option under Employees' Pension Scheme-1995 (EPS)-95 in compliance of Para 43 and 44 (iv) read with Para 44(ii) and Para 39, 39 &41 of the Judgement dated 04.11.2022 of the Hon'ble Supreme Court of India in Civil Appeals arising out of SLP (C) No.8658-8659 of 2019 titled EPFO & Anr. Vs. Sunil Kumar B. & Ors. Etc.

Dear Sir,

In compliance of above cited judgment

1. We (employee & employer) of M/s NPCC Limited, hereby submit enclosed Joint Option form as required by the Employees' Pension Scheme-1995 under Employees Provident Funds and Miscellaneous Provisions Act, 1952 for claiming pension on actual salary / wages instead of ceiling salary limit of Rs.5000 / 6500 / 15000.
2. Since no format for the Joint Option has been prescribed by the EPFO, we have devised a pro-forma based on various orders issued by EPFO and its offices in year 2017 & 2018, in furtherance to implement the R.C.Gupta judgment. which may serve the purpose

Thanking you

Encl.: Joint Option Forms

**PARTICULARS OF THE RETIRED EMPLOYEE:**

1	Name & Designation of Employee	
2	EPF Account No.	
3	EPS No. (if any)	
4	EPF/S Account No.(Previous Employer/ Establishment, if any)	
5	EPS/S Account No.(Previous Employer/ Establishment, if any)	
6	UAN No. (if any)	
7	PPO No.(if any)	
8	Mobile No.	
9	Email. ID	
10	Aadhaar No.	
11	Date of Retirement (on attaining 58 years for EPS-95)	

**DECLARATION BY THE EMPLOYEE:**

It is to certified that immediately after joining NPCC Limited (name of the Establishment) I had been contributing towards the Provident Fund on my actual salary / wages and an equal amount used to be contributed in my Provident Fund by the employer in the Provident Fund Trust of the company in compliance of the notified rate issued by the EPFO Authority from time to time. It is to further certify that an amount @ 8.33% of the statutory ceiling amount i.e. Rs.15,000/- (earlier Rs.6500 / 5000) out of the Employer's contribution had been remitted by the Employer every month towards Employee's Pension Scheme, 1995 to EPFO and rest i.e. 12% of actual wages of actual salary-8.33% of statutory ceiling has been remitted in employee's PF account as employer's share. .

**In case Provident Fund has not been withdrawn**

I, do hereby opt for diverting 8.33% alongwith interest etc. of my actual salary / wages out of employer's contribution towards Pension Fund (after adjusting the amount already diverted in EPS-95 on ceiling salary / wages) from the date of joining the EPS-95 i.e. 16.11.1995 or from the date my salary exceeded the statutory limit , whichever is later, till my attaining the age of 58 years.

I have not withdrawn the Provident Fund on attaining the age of 58 years, and therefore I hereby authorize EPFO/Trust to adjust the differential amount from my Provident Fund with employers EPF Trust, NPCC Ltd ECPF Trust, thus making me eligible for drawing higher Pension on the basis of average of last 60 months actual salary / wages as Pensionable salary based on my actual salary / wages, instead of, on the statutory ceiling, in accordance with the aforesaid judgment dated 04.11.2022 of Supreme Court of India.

OR

**In case Provident Fund has been withdrawn**

I have already withdrawn the entire amount of Provident Fund pursuant to my Retirement / VRS / Resignation. I am ready to pay, within such time frame and mode as may be notified by the EPFO / Employer, the differential amount of 8.33% alongwith interest etc. of my actual salary / wages out of employer's contribution towards Pension Fund, from the date of joining the EPS-95 i.e. 16.11.1995 or from the date of joining service of the employer on ----- or the date my salary exceeded the statutory limits whichever is later, till my attaining the age of 58 years, that I had taken / withdrawn after my exit / retirement, thus making me eligible for drawing Pension on the basis of average of last 60 months actual salary / wages instead of statutory ceiling, in accordance with the aforesaid judgment dated 04.11.2022 of Hon'ble Supreme Court of India.

*(Please struck the highlighted part if not applicable)*

It is further undertaken and declared that in case EPFO issues any specific format for the joint option, pursuant to the judgment dated 04.11.2022 of the Hon'ble Supreme Court of India; I will comply and submit the same to the EPFO / RPFC. These joint option forms are submitted with a view to meet the requirement of 4 months time limit allowed by the Hon'ble Court.

I further undertake that if any other legal formality is required to be complied / fulfilled in his regard, I am ready to do the same accordingly as per requirements of EPFO and Trust.

Place:

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Signature of Employee-----

Date:

Name -----

Address-----

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UNDERTAKING BY THE EMPLOYER IN RELATION TO EMPLOYEES LEFT PRIOR TO 01-09-2014

I, ALOK KUMAR, JGM(F)/Trustee Secretary being the authorized person on behalf of M/s NPCC Limited do hereby certify that Mr./Mrs./Ms.----- was working with us as ----- and has retired for the purpose of EPS 95 on attaining the age of 58 years on ----- . His / Her EPF Account No. is----- / UAN ----- / PPO No.- ----- (please struck of the highlighted part if not applicable). He / She had been contributing towards Provident Fund on his / her actual salary / wages as per the rates the notified by EPFO from time to time. Equal share had been contributed by this establishment too as employer's share depositing 8.33% of statutory wage ceiling in pension fund and remaining in PF account of the employee.

This establishment has no objection if he she deposits / returns the due differential amount @ 8.33% of the employers share w.e.f.16.11.1995 i.e from the date of commencement of the Scheme / w.e.f -----i.e. from the date of joining employment / establishment or when his salary / wages exceeded the statutory limit, alongwith due interest as declared under EPF Scheme, 1952 from time to time, thus making him eligible for drawing pension on the basis of average of last 60 months actual salary / wages, instead of, on the statutory limit of Employees Pension Scheme-1995, as permitted by the Hon'ble Supreme Court of India vide the judgment dated 04.11.2022 in Civil Appeals arising out of SLP (C) No.8658-8659 of 2019 titled EPFO & Anr. Vs. Sunil Kumar B. & Ors. Etc.

I certify that the particular furnished above are correct as per the available record and differential amount payable in pension fund shall be paid to EPFO within such period as may be directed by them

Place:

for NPCC Ltd ECPF Trust

Date:

(Signature of authorized signatory with official seal)  
Authorized Signatory

**2. Joint Option cum Declaration form by the employees left after 01-09-2014 but retired after the judgement dt 04-11-2022**

**(Para 11(4) of the Pension Scheme 1995)**

**PARTICULARS OF THE EMPLOYEE;**

1.	Name & Designation of Employee	
2.	EPF A/c No.	HR FBD 0010803000 _ _ _ _ _
3.	EPS A/c No. (if any)	HR FBD 0010803000 _ _ _ _ _
4.	EPF/S A/c No. {Previous Employer/ Establishment, if any}	
5.	EPF/S A/c No. {Previous Employer/ Establishment, if any}	
6.	UAN {if any}	
7.	Mobile No.	
8.	Email ID	
9.	Aadhaar No.	
10.	Date of retirement (on attaining 58 Years for EPS-95)	

**DECLARATION BY THE RETIRED EMPLOYEE:**

It is to certified that immediately after joining NPCC Limited (name of the Establishment) I had been contributing towards the Provident Fund on my actual salary / wages and an equal amount used to be contributed in my Provident Fund by the employer in the Provident Fund Trust of the company in compliance of the notified rate issued by the EPFO Authority from time to time. It is to further certify that an amount @ 8.33% of the statutory ceiling amount i.e. Rs.15,000/- (earlier Rs.6500 / 5000) out of the Employer's contribution had been remitted by the Employer every month towards Employee's Pension Scheme, 1995 to EPFO .

It is further declared that I was in service as on 01-09-2014 and thereafter and has become eligible for pension on .....dd/mm/yyyy..... on attaining the age of 58 years but not retired by my employer.

I, do hereby opt for diverting 8.33% alongwith interest etc. of my actual salary / wages out of employer's contribution towards Pension Fund (after adjusting the amount already diverted in EPS-95 on ceiling salary / wages) from the date of joining the EPS-95 i.e. 16.11.1995 or from the



date my salary exceeded the statutory limit., whichever is later, till my attaining the age of 58 years.

I have/have not withdrawn the Provident Fund and therefore I hereby authorize EPFO/Trust to adjust the differential amount from my Provident Fund with employers EPF Trust, NPCC Ltd EPF Trust, thus making me eligible for drawing higher Pension on the basis of average of last 60 months actual salary / wages as Pensionable salary based on my actual salary / wages, instead of, on the statutory ceiling, in accordance with the aforesaid judgment dated 04.11.2022 of Supreme Court of India.

It is further undertaken and declared that in case EPFO issues any specific format for the joint option, pursuant to the judgment dated 04.11.2022 of the Hon'ble Supreme Court of India; I will comply and submit the same to the EPFO / RPFC/ Trust .

These joint option forms are submitted with a view to meet the requirement of 4 months time limit allowed by the Hon'ble Court.

I further undertake that if any other legal formality is required to be complied / fulfilled in this regard, I am ready to do the same accordingly.

Place:

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Signature of Employee-----

Date:

Name -----

Address-----

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**UNDERTAKING BY THE EMPLOYER IN RELATION TO EMPLOYEES RETIRED AFTER 01-09-2014**  
**BUT BEFORE THE JUDGEMENT**  
**(PARA 11(4) OF THE PENSION SCHEME 1995)**

I, ALOK KUMAR, JGM(F)/Trustee Secretary being the authorized person on behalf of M/s NPCC Limited do hereby certify that Mr./Mrs./Ms.----- was working with us as ----- and has retired for the purpose of EPS 95 on attaining the age of 58 years on ----- . His / Her EPF Account No. is----- / UAN ----- / PPO No.- ----- (please struck of the highlighted part if not applicable). He / She had been contributing towards Provident Fund on his / her actual salary / wages as per the rates the notified by EPFO from time to time. Equal share had been contributed by this establishment too as employer's share depositing 8.33% of statutory wage ceiling in pension fund and remaining in PF account of the employee.

This establishment has no objection if he she deposits / returns the due differential amount @ 8.33% of the employers share w.e.f.16.11.1995 i.e from the date of commencement of the Scheme / w.e.f -----i.e. from the date of joining employment / establishment or when his salary / wages exceeded the statutory limit, alongwith due interest as declared under EPF Scheme, 1952 from time to time, thus making him eligible for drawing pension on the basis of average of last 60 months actual salary / wages, instead of, on the statutory limit of Employees Pension Scheme-1995, as permitted by the Hon'ble Supreme Court of India vide the judgment dated 04.11.2022 in Civil Appeals arising out of SLP (C) No.8658-8659 of 2019 titled EPFO & Anr. Vs. Sunil Kumar B. & Ors. Etc.

I certify that the particular furnished above are correct as per the available record and differential amount payable in pension fund shall be paid to EPFO within such period as may be directed by them

Place:

for NPCC Ltd ECPF Trust

Date:

(Signature of authorized signatory with official seal)

**3. Joint Option cum declaration form by the employees still in service  
(Para 11(4) of the Pension Scheme)**

**PARTICULARS OF THE RETIRED EMPLOYEE:**

1	Name & Designation of Employee	
2	EPF Account No.	
3	EPS No. (if any)	
4	EPF/S Account No.(Previous Employer/ Establishment, if any)	
5	EPS/S Account No.(Previous Employer/ Establishment, if any)	
6	UAN No. (if any)	
7	PPO No.(if any)	
8	Mobile No.	
9	Email. ID	
10	Aadhaar No.	
11	Date of Retirement (on attaining 58 years for EPS-95)	

**DECLARATION BY THE EMPLOYEE:**

It is to certified that immediately after joining NPCC Limited (name of the Establishment) I had been contributing towards the Provident Fund on my actual salary / wages and an equal amount used to be contributed in my Provident Fund by the employer in the Provident Fund Trust of the company in compliance of the notified rate issued by the EPFO Authority from time to time. It is to further certify that an amount @ 8.33% of the statutory ceiling amount i.e. Rs.15,000/- (earlier Rs.5000 / 6500) out of the Employer's contribution had been remitted by the Employer every month towards Employee's Pension Scheme, 1995 to EPFO and rest i.e. 12% of actual wages of actual salary-8.33% of statutory ceiling has been remitted in employee's PF account as employer's share. .

I, do hereby opt for diverting 8.33% alongwith interest etc. of my actual salary / wages out of employer's contribution towards Pension Fund (after adjusting the amount already diverted in EPS-95 on ceiling salary / wages) from the date of joining the EPS-95 i.e. 16.11.1995 or from the date my salary exceeded the statutory limit whichever is later, till my attaining the age of 58 years.

I am still in service and I have not withdrawn the Provident Fund on attaining the age of 58 years, and therefore I hereby authorize EPFO/Trust to adjust the differential amount from my Provident Fund with employers EPF Trust, NPCC Ltd ECPF Trust, thus making me eligible for drawing

higher Pension on the basis of average of last 60 months actual salary / wages as Pensionable salary based on my actual salary / wages, instead of, on the statutory ceiling, in accordance with the aforesaid judgment dated 04.11.2022 of Supreme Court of India.

It is further undertaken and declared that in case EPFO issues any specific format for the joint option, pursuant to the judgment dated 04.11.2022 of the Hon'ble Supreme Court of India; I will comply and submit the same to the EPFO / RPFCL/ Trust.

I further undertake that if any other legal formality is required to be complied / fulfilled in this regard, I am ready to do the same accordingly.

Place:

Signature of Employee-----

Date

Name -----

Address-----  
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**UNDERTAKING BY THE EMPLOYER (For Serving Employee having age less than 58 years**

I, ALOK KUMAR, JGM(F)/Trustee Secretary being the authorized signatory on behalf of M/s NPCC Limited do hereby certify that Mr./Mrs./Ms.-----is working with us as ----- and has not retired for the purpose of EPS 95 on attaining the age of 58

years -----. His / Her EPF Account No. is----- / UAN ----- / PPO No.-----  
----- (please struck of the highlighted part if not applicable). He / She had been contributing towards Provident Fund on his / her actual salary / wages in compliance of the notified rate issued under EPFO Scheme, 1952 from time to time. Equal share had been contributed by this establishment too.

This establishment has no objection if he/she deposits / returns the due differential amount @ 8.33% of the employers share w.e.f.16.11.1995 i.e from the date of commencement of the Scheme / w.e.f -----i.e. from the date of joining employment / establishment or when his salary / wages exceeded the statutory limit, alongwith due interest as declared under EPF Scheme, 1952 from time to time, thus making him eligible for drawing pension on the basis of average of last 60 months actual salary / wages, instead of, on the statutory limit of Employees Pension Scheme-1995, as permitted by the Hon'ble Supreme Court of India vide the judgment dated 04.11.2022 in Civil Appeals arising out of SLP (C) No.8658-8659 of 2019 titled EPFO & Anr. Vs. Sunil Kumar B. & Ors. Etc.

I certify that the particular furnished above are correct as per the available record.

Place:

for NPCC Ltd ECPF Trust

Date:

(Signature of authorized signatory with official seal)  
Authorized Signatory