

THE DURGAPUR PROJECTS LIMITED
(A Government of West Bengal Enterprise)
Office of the General Manager (HR&A)
Durgapur – 713201

No: DPL/GM(HR&A)/2023/69

Dated : 16.02.2023

C I R C U L A R

Sub: Submission of 'Joint Option Form' under Para 11 (3) and Para 11 (4) of Employees Pension Scheme, 1995 as per direction of Hon'ble Supreme Court judgement dated 04th November 2022

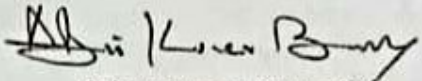
1. This has reference to the judgement of the Hon'ble Supreme Court regarding Employees' Pension Scheme-1995(EPS-95)passed in SLP No 8658-8659 of 2019 titled EPFO Vs Sunil Kumar B. &Ors. etc. As per paragraph 38, 39 & 44(ii) of the judgement, it is also applicable to the EPS-95 members from the exempted establishment.
2. DPL is an exempted establishment and the judgement is applicable to the employees/ex- employees of the DPL who are eligible as per the Hon'ble Supreme Court's Judgement dated 04thNovember 2022. All employees of DPL are member of the DPL Employees Provident Fund Trust (DPL EPF Trust) and contribute to the Provident Fund at prescribed contribution rate on their actual salary as applicable from time to time. DPL also makes matching employer's contribution on actual salary to the Trust. However, contribution to the EPS-95 has been made @ 8.33% of prescribed wage ceiling i.e. Rs.5,000.00 till May-2001, Rs.6,500.00 w.e.f. June-2001 and Rs.15,000.00 w.e.f. Sept-2014. As per the rule, EPS-95 contribution is deducted from the employer's contribution to PF and is remitted to the concerned office of the Employees Provident Fund Organisation (EPFO). Pension under EPS-95 is also made by the concerned office of the EPFO.
3. As per paragraph 43 read with paragraph 44(iv) of the SC judgement, all employees, who were Members of the EPS-95 as on 01-09-2014 i.e. were below 58 years of age would be entitled to exercise option now under paragraph 11(4) EPS-95 within a period of four months from the date of judgement i.e. on or before 3rd March, 2023. This option is one time chance to exercise and once exercised can't be revoked further.
4. It is expected that, EPFO may issue a circular/guidelines specifying the mode and manner of deposit of amount, exercising option and for submission of joint declaration as per the paragraph-43 read with paragraph 44(iv) of the SC Judgement dated 04.11.2022, in respect of employees who were member of the EPS 95 as on 01-09-2014 (Eligible Employees).
5. Employee(s)/Ex-employee(s) willing to exercise the option would be required to pay arrears of EPS 95 contribution i.e. difference between the contribution @8.33% on actual salary less contribution already deposited on applicable wage ceiling from the date of joining the EPS-95. Employees also have to contribute 1.16% of salary exceeding Rs 15,000.00 as additional contribution from September,2014. Additionally, such employee's shall also be required to pay interest on due arrears at applicable rate till the month of remittance.
6. Accordingly, to enable the employees/ ex-employees to take a decision for exercising the option on actual monthly salary (PF Pay) of all eligible employees from Nov-1995 onwards as available has been compiled and it will be available for verification by the employees on DPL's Payroll Portal shortly.
7. In case of any discrepancy found in the salary data, the concerned employee/ex-employee may inform the same with relevant proof such as PF statement(s) or salary slip(s) for relevant period/months latest by 20th February 2023 to finalize the arrear calculation in time otherwise the data shown in the portal or provided on request (in case of ex-employees whose PF Account was transferred to other establishment) may be considered as final.



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8. Company has already taken up with the EPFO about the specified format for undertaking to be given by willing employees in the joint declaration and shall be made available on the said portal as and when clarifications are received. Since no format for the joint option has yet been provided by EPFO (also not available on EPFO's portal), based on similar formats issued by various ROs in the year 2017 and 2018 while implementing the R C Gupta Judgement in order to comply with the above requirement within specified time period, the willing employees/ ex-employees and employer are required to submit the joint option form as per Annexure A and B attached herewith under erstwhile Para 11 (3) and Para 11 (4) of EPS-95 for claiming pension on actual salary instead of ceiling salary limit of Rs. 15,000/-. The form will also be available in the portal shortly.
9. All efforts shall be made to submit the joint declaration of willing employee 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 the timeline, if any, prescribed by EPFO, in this regard. Accordingly, ex-employees who would exercise the option now and who have already withdrawn the Provident Fund from DPL Employees Provident Fund Trust (DPL EPF 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.
10. In case of serving employees, payment of arrears shall be made from the PF account of employee with the DPL EPF Trust.
11. Ex-employees whose PF Account was transferred to other establishment, their details maybe provided, as per data made available by the IT Cell, on request to the Secretary-DPLEPF.
12. The Joint Option Form may be duly & legibly filled, signed by the employee/ex-employee concerned and shall be submitted by visiting Administrative Building, DPL, Durgapur or DPL Kolkata Office Pension Option Submission Counter physically along with a copy of Aadhar Card or through online by visiting DPL Payroll portal (<http://the dpl.in / dplpayroll>) with Employee No. as User ID default password is his / her date of birth in ddmmyyyy format if he/she has not reset their password previously. They have to click to submit option menu item where they will be redirected to PF option portal through validating their credential again. In case of online submission the signed declaration has to be duly uploaded. Receipt of original ink-signed Form is mandatory for taking the matter forward.
13. In view of the timelines prescribe by the Hon'ble court for exercising option i.e., four months from the date of the Judgement, and thereafter considering the time period required for scrutiny /onward submission to the RPFC and to avoid any possible rejection by the RPFC on the ground of said timelines, willing employees/ex-employees shall ensure receipt of the Joint Option form by the HR&A department latest by 23/02/2023 in either of the above mentioned ways.

This is issued with the approval of Competent Authority.


(Abir Kumar Biswas)
General Manager (HR&A)

Distribution to: All Head of the Departments- for wide circulation.