



महानगर टेलीफोन निगम लिमिटेड
(भारत सरकार का उद्यम)
**MAHANAGAR TELEPHONE NIGAM
LIMITED**
(A GOVERNMENT OF INDIA ENTERPRISE)

No:MTNL/CO/IRW/22(23)/2019-6

Dated: 06.02.2023

Executive Director
MTNL Delhi/Mumbai

Sub:Instructions and Guidelines for Compliance of Hon'ble Supreme Court Judgement dated 04.11.2022 in the matter of Special Leave Petition(C) No.s 8658-8659 of 2019, exercise of option for higher Pension.

Ref: 1.Hon'ble Supreme Court Judgement dated 04.11.2022 in the matter of Special Leave Petition No.s 8658-8659 of 2019 in the matter of Employees Provident Fund Organization & Anr. Etc Vs Sunil Kumar B & Ors and option for contribution to EPS-95 on actual salary for Pension.

2.EPFO Letter No Pension/2022/54877/15149 dated 29.12.2022. Corrigendum No Pension/2022/54877/15238 regarding instructions in compliance of Orders contained in Para 44(ix) read with Para 44(V) and (VI) of Honorable Court Judgement dated 04.11.2022 in the matter of Special Leave Petition(C) No.s 8658-8659 of 2019.

With reference to the above mentioned subject, Hon'ble Supreme Court has given timeline of **4 months from date of Judgement i.e on or before 03.03.2023** for submitting the option form and in anticipation of further affirmative guidelines from EPFO, the following instructions are hereby issued.

1) For Employees who have retired before 01.09.2014.

- i) The eligible employees have to visit the EPFO portal for necessary validation <https://unifiedportal-mem.epfindia.gov.in/memberinterface/>.
- ii) The eligible employees have to give explicit consent in the application form for adjustment from Provident Fund to Pension Fund and if any, to re-deposit the amount to the pension fund.
- iii) The following documents are to be provided for processing of the case:
 - a) Proof of Joint option under Para 26(6) of the EPF Scheme duly verified by the employer; and
 - b) Proof of Joint Option under the proviso to erstwhile Para 11(3) duly verified by the employer ; and
 - c) Proof of remittance in Provident Fund on higher wages exceeding the prevalent wage ceiling of Rs 5000/Rs 6500; and
 - d) Proof of remittance in Pension Fund on higher wages exceeding the prevalent wage ceiling of Rs 5000/Rs 6500, if any and

Corporate Office:5th Floor, MTNL Building, CGO Complex, Lodi Road, New Delhi- 110003.



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(e) Written refusal of APFC or any other higher authority of EPFO to such requests/remittance.

(2) As regards employees who have retired after 01/09/2014 or are still working.

2.1 In anticipation of affirmative guidelines and in keeping with Hon'ble Supreme Court Judgment in CA nos 8658-8659, all eligible serving employees / Retired employees(retired after 01.09.2014) are requested to submit the option for higher pension scheme in the form annexed to this letter.

2.2 The following points are to be noted by the employees:

- a) The Joint option (**Annexure A**) in triplicate duly signed in original(hard copies) shall be submitted.

SI No	Different stages of submission of Joint Option form shall be as follows	Last date
1	Submission by the Employee to the AO(P&A) of concerned Unit of Delhi/Mumbai Unit/CO.	13.02.2023
2	Submission by the AO(P&A) of concerned GM Unit to Nodal Officer Delhi/Mumbai Unit/CO after proper scrutiny/verification(By Hand), alongwith list in hard and soft copy indicating complete details as mentioned in the joint option form. Nodal Officers of Delhi/Mumbai Unit will be nominated by the Units. Sh Sachin Kumar Gupta, Sr Manager, EPF Trust, CO will be Nodal Officer of CO.	20.02.2023
3	Scrutinized Option forms alongwith list in hard and soft copy to be submitted by all respective Nodal Officers to EPFO according to paragraph 44(IV) of the judgement dated 04.11.2022 of Hon'ble Supreme Court of India	25.02.2023

- b) The joint option form shall be subject to acceptance by EPFO, as per rules.
- c) Every employee/ex-employee who had joined MTNL from any other organization in which he/she was member of EPS' 1995 should provide

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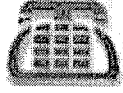


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complete details for each previous organization in triplicate. (Annexure-B).

- d) Every Employee/ex-employee who had joined MTNL from any other organization in which he/she was member of EPS' 1995 should add their service, in previous organization in current EPS number by filling Form 13 in triplicate. (Annexure-C)
- e) The option once accepted by EPFO is irrevocable at later date and no change of option will be entertained under any circumstances.
- f) These instructions are subject to directions/instructions of EPFO and / or decision of any court of law issued from time to time in this regard.
- g) The necessary Employer Undertaking is placed at Annexure A 1. (to be submitted in triplicate)
- h) The above guidelines, position of law, format of exercising option etc are subject to change on the basis of subsequent judicial pronouncement, statutory amendment in law and administrative instructions/guidelines to be issued by Ministry of Labour & Employment, EPFO and MTNL, CO, New Delhi.
- i) These guidelines are aimed at preparatory work in advance in order to adhere to the time limit allowed in the judgement dated 04.11.2022 of Hon'ble Supreme Court for submission of Joint Option to EPFO. Mere exercise of Joint option at this stage may not confer any legal right to higher pension from EPFO and MTNL shall not be under an obligation to pay higher pension..
- j) The employees/Ex-employees who wish to exercise the Joint option should take an informed decision after considering that adjustment/transfer of funds from EPF to EPS or deposit of funds into EPS shall have to be made as decided by EPFO and an additional contribution of 1.16% of the wages/salary that exceed the ceiling of Rs 15000 shall have to be paid by the employee opting for higher pension (If asked by EPFO & subject to Final Outcome). Further, in case of employees who were covered under EPF under any other Organization/establishment before joining MTNL, it

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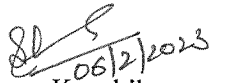


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shall be the responsibility of the employee concerned to collect the salary/EPF details from organization/establishment.

2.3 Employees, who have become members of EPF on and after 1st September, 2014 are not covered under EPS' 95 Pension Scheme. They are not required to submit the option form for higher pension scheme under para 11 (3). The above is subject to guidelines to be issued by EPFO.

This issues with the approval of Competent Authority.


06/2/2023
Shama Kaushik
DGM(HR)
MTNL Corporate Office

End: As above.

Copy to:

1. Dir(HR)/Dir(Fin)/Dir(Tech), MTNL
2. CVO, MTNL
3. GM(Admin) Delhi/Mumbai
4. GM(Fin), CO/Delhi/Mumbai.
5. GS, MTNL Mazdoor Sangh, Delhi.
6. GS, MTNKS, Mumbai.
4. PS to CMD.

Joint Option under Erstwhile Para 11(3) & Para 11(4) of EPS'95

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

Sub: Joint Option under Para 11(3) and Para 11(4) of Employees Pension Scheme, 1995 based upon the Hon'ble Supreme Court's Order in SLP No.8658-8659 year 2019 titled EPFO Vs. Sunil Kumar Pronounced on 4th November, 2022-Reg.

Reference is invited towards Para 43 and Para 44 (ii) & (iv) of the aforesaid order dated 4th November, 2022 of Hon'ble Supreme Court of India, in the above cited Civil Appeal wherein the eligible employees/ex-employees and his/her employer are required to submit a joint option under erstwhile Para 11(3) and Para 11(4) of EPS'95 within a period of four months from the date of Judgement.

Since, no format for the joint option has been provided by EPFO (also not available on EPFO's website), based on similar formats issued by various ROs in the year 2017 & 2018 while implementing the R.C.Gupta Judgement, in order to comply with the above requirement, we (employee/ex-employee and employer) are, hereby submitting the joint option form as required under erstwhile Para 11(3) and Para 11(4) of Employees Pension Scheme, 1995 for claiming pension on actual salary instead of ceiling salary limit of Rs.5,000/- or Rs.6,000/- or Rs.15,000/-.

Particulars of employees are as under:

S.No.	Particulars	Details
1.	Name of the Employee	
2.	Date of Birth	
3.	Full EPF Account number with Date of Joining	
4.	EPF Account Number of Previous Establishment with Date of joining and Date of Exit	
5.	EPF Account Number of Previous Organisation with Date of joining and Date of Exit	
6.	EPS Account Number of Previous Organisation, if any.	
7.	Universal Account Number (UAN)	
8.	Aadhar Number	
9.	Date of Leaving Service or attained the age of 58 years which was earlier (if applicable)	
10.	PPO Number(if any) attach copy	

[Handwritten signature]

11	Correspondence Address	
12	Mobile Number registered with EPFO	
13	Email ID	
14	Emp No./staff No	

Additional information for serving employees who attained 58 years and drawing pension from EPFO:

Address for correspondence	
Date of leaving service or attaining the age of 58 years, whichever is earlier	
PPNo.(EPFO)	
Date of superannuation	
Name of Pension Disbursing Bank & Branch Name:	
Bank A/c No.	
IFS	

Declaration by employee/Ex-employee

It is certified thatS/o, D/o/Wife of/..... immediately after joining MTNL, I had been contributing towards the Provident Fund on my actual salary/wages and an equal amount used to be contributed in my PF by the employer also as provided under Para 26(6) of EPF Scheme 1952. It is to further certify that an amount @8.33% of the statutory ceiling limit i.e. Rs. 15,000 (earlier Rs. 5,000/- or Rs.6,500/-) out of the employer's contribution had been remitted every month towards Employees' Pension Scheme; 1995 since 16th November, 1995 or the date of Joining whichever is later.

I, do hereby opt for diverting 8.33% of my actual salary/wages out of employers contribution towards pension (after adjusting the amount already diverted in EPS' 95 on ceiling wages) from the date of joining the EPS'95 till my attaining the age of 58 years.

[Handwritten Signature]

(Tick whichever is applicable)

Since I have already withdrawn entire Provident Fund on my retirement/VRS/resignation, I am ready to pay the differential amount that I had taken/withdrawn after my exit/retirement;

In case my Provident Fund amount (Employer portion) becomes short on account of non-refundable advance, I am ready to pay the differential amount that I had taken/withdrawn.

thus making me eligible for drawing pension on the basis of average of last sixty months' salary/wages as pensionable salary/wages i.e. based on my actual salary/wages instead of being based on the statutory limit.

1. That I retired on attaining the age of 58 years for the purpose of EP5 1995 after 1 September 2014 on _____ (strike out if not applicable)

I also undertake that if any other legal formality is required in this regard, I am ready to do accordingly.

Copy of Order issued by EPFO fixing my Pension under EPS 1995 on attaining the age of 58 years is also enclosed herewith for your reference.

Place

Signature:

Date:

Name :

Address::

Mobile:

SLP

Annexure-A1

Undertaking by the Employer

I.....(Name & Designation) being the Authorized
Signatory of Mahanagar Telephone Nigam Limited,
.....(Full Address) bearing Establishment
PF Code Number do hereby certify that
Shri/Smt/Ms.....

Is an employee of this establishment. The member has been contributing towards Provident Fund on his actual salary/wages, as per terms of Para 26(6) of the EPF Scheme, 1952. Equal share is also contributed by this Establishment too. This Establishment has no objection if he/she transfers/diverts the differential amount @8.33% of the employers share w.e.f 16.11.1995 or from his/her date of joining or when his/her salary /wages exceeded the statutory limit, whichever is later, alongwith due interest as declared under EPF Scheme, 1952 from time to time, from his/ her PF Account to Pension Fund maintained by EPFO, thus making him/her eligible for drawing on his/her actual salary/wages, instead of the statutory limit as per erstwhile Para 11(3) &11(4) of EPS,1995. This exercise is being carried out in consonance with the Judgement of the Hon'ble Supreme Court dated 04.11.2022.

I certify that the particulars furnished above are correct as per the available office records.

Place

Date

Designation & Office seal)



ANNEXURE-B

To be filled by the employee/ex-employee who were joined MTNL from any other organization in which they were member of EPS-95 Scheme:-

(Separate Sheet should be filled for every previous organization in which employee was member of EPS'95)

S.No.	Particulars	Details
1.	Name of the Employee	
2.	Previous Establishment Name	
3.	Previous Establishment Address	
4.	Previous Establishment PF Code	
5.	PF Account is held by Name of EPF Office/PF Trust)	
6.	Date of joining EPS 95 in Previous Establishment	
7.	Date of Exit EPS'95 in previous Establishment	
8.	EPS number of previous Establishment	
9.	UAN of previous Establishment	

Supporting PF Slip indicating EPS number should be attached.

The above particulars are correct, and I am liable to bear any consequence arises on the above declared facts.

Signature of the employee/ex-employee

Name of the Employee.....

Employee No/Staff No.....



TRANSFER CLAIM FORM

FORM 13 (REVISED)

CLAIM ID _____

(For EPFO Use only)

**EMPLOYEES' PROVIDENT FUND SCHEME, 1952
(PARA 57)**

To,
The Regional P F Commissioner,
Office Name: _____
Office Address: _____

(Please see instruction 3)

To,
Trust Name: _____
Trust Address: _____

(in case the PF A/C is with Exempted Establishment)

Sir,

I request that my provident fund balance along with my pension service details may please be transferred to my present account under intimation to me. My details are as under:

PART A: PERSONAL INFORMATION

1. *Name: _____
2. *Father's/Husband's name: _____
3. Mobile number: _____
4. E-mail id: _____
5. Bank A/C number: _____
6. IFS code of Bank branch: _____

PART B: DETAILS OF PREVIOUS ACCOUNT (WHICH IS TO BE TRANSFERRED)

1. *PF Account No. : _____
In case the previous establishment is exempted under Employees' Provident Fund Scheme, 1952
Pension Fund Account No. : _____
2. *Name and Address of the previous establishment: _____
3. *PF Account is held by: (Name of EPF Office/ PF Trust) : _____
4. *Date of Birth: _____ (dd/mm/yyyy) 5. *Date of joining : _____ (dd/mm/yyyy)
6. *Date of leaving: _____ (dd/mm/yyyy)

PART C: DETAILS OF PRESENT ACCOUNT

1. *PF Account No. : _____
In case the present establishment is exempted under Employees' Provident Fund Scheme, 1952
Pension Fund Account No. : _____
2. *Name and Address of the present establishment: _____

3. *Account is held by: (Name of EPF Office / PF Trust) _____
4. *Date of joining : _____ (dd/mm/yyyy)
5. #Name of Trust (to whom funds are to be paid in case of present establishment being exempted under EPF Scheme, 1952) : _____
6. #Employee code under the Trust: _____
 (* indicates mandatory fields) (# Strike off if not applicable)

I, Certify that all the information given above is true to the best of my knowledge and I have ensured the correctness of my present and previous account numbers.

Signature of the Member
 Date: _____

IMPORTANT: Member has the option to get the claim form attested by present or previous employer. In case of attestation by the previous employer, time taken in settlement will be relatively less.

Certified that I have verified the data in Part B in respect of the member mentioned in Part A of this form and the signature of the member.

Signature of Previous Employer
 Date: _____

Seal of the Establishment

OR

Certified that I have verified the data in Part C in respect of the member mentioned in Part A of this form.

Signature of Present Employer
 Date: _____

Seal of the Establishment

INSTRUCTIONS AND GUIDELINES

1. The Bank A/C details are for verification purpose even if the Fund is transferred to the EPFO Office/Trust maintaining the present account number.
2. In case the Previous Account was maintained by PF Trust of the exempted establishment, the member should submit a Transfer Claim Form {Form-13{Revised}} to the Trust while sending another Transfer Claim Form {Form-13{Revised}} to the PF Office for transferring the service details under the Pension Fund to the new account.
3. The Form should be submitted to that PF Office under which previous or the present account is maintained, depending upon as to which employer has attested the claim. (In case the claim is attested by the present employer, claim should be submitted with the PF Office under which the present account is maintained, and so on).
4. The mobile number (wherever, provided) of the member would be used for sending an SMS alert informing him/her the processing of his/her claim and is non-mandatory for Physical form.