



DAV COLLEGE TRUST AND MANAGEMENT SOCIETY

(EMPLOYEES' PROVIDENT FUND)

CHITRA GUPTA ROAD, PAHARGANJ, NEW DELHI-110055

DL/6528-EXEMPTED UNDER SECTION 17 (1) (a) OF THE EPF AND MP ACT, 1952

Ref. No PF/ 10115

Dated 16.02.2023

To

- (1) **All Principals**
(DAV Public Schools/Institutions
Participating in DAV PF Trust)
- (2) **The Registrar**
DAV University
Jalandhar (Pb)
- (3) **All Regional Officers**
(DAV Public Schools/Institutions)

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

Sir/Madam,

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 pertaining to amendment to the Employees' Pension Scheme, 1995 brought about by Notification No. G.S.R. 609 (E) dated 22nd August 2014 shall apply to the Employees of the Exempted Establishments also in the same manner as the employees of the regular Establishments. Therefore, the employees of DAV College Trust and Management Society (EPF) New Delhi and all its Branches all over India are also eligible for submission of joint option form for availing pension on actual/higher salary.

In this connection, your kind attention is invited to this office Letter No. PF/10105 dated 13.02.2023 by which we informed your School/Institution that our Trust has already written Letter/s to RPFC Delhi (North) with copy to Head Office EPFO New Delhi seeking clarification/guidance on the subject matter. But no reply has been received.



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As the time is very short and necessary "Joint Option Forms" are required to be submitted to the Concerned Provident Fund Offices, all over India, by 03.03.2023 as per Judgment of Supreme Court, you are required to take following action on top priority basis: -

- (1) For existing EPF-95 Members of your School /Institution, please get the **Enclosed** "Joint Option Form" (**Annexure-A**) filled-up (**in duplicate**) immediately and deposit one copy of the same with Local PF office on your Letter-Head before 03.03.2023 positively for getting higher Pension.
- (2) If any Retired, Pensioner has approached your School/Institution for getting higher Pension on the basis of above Supreme Court Judgment, he/she may be asked to fill-up the **Enclosed** "Joint Option Form" (**Annexure-B**) (**in duplicate**) and your School/Institution or the Retired Employee should deposit the same ^{one copy} with the Concerned Local PF Office before 03.03.2023 positively for getting higher Pension after completing the all the formalities.

This Circular is being issued for implementation of above said Supreme Court Judgment only to adhere the time limit fixed and is subject to any ratification/guidance that may be issued by EPFO from time to time. Therefore, the Joint Option submitted by eligible employees/ex-employees does not confer any right to receive or obligation upon DAV College Trust and Management Society (EPF) New Delhi or your School/Institution to pay higher Pension to them.

Encl.: As above

Yours faithfully,

(Brig. A. K. Adlakha)

Director (Admn.) Secy. (PF)



DAV COLLEGE TRUST AND MANAGEMENT SOCIETY

(EMPLOYEES' PROVIDENT FUND)

CHITRA GUPTA ROAD, PAHARGANJ, NEW DELHI-110055

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Ref. No PF/

Dated

Copy, with copies of enclosures, forwarded for information and further necessary action to: -

1. **General Secretary**
DAVCMC, New Delhi
2. **Shri J. P. Shoor**
Director (PS-I)
DAVCMC, New Delhi
3. **Dr. (Mrs.) Nisha Peshin**
Director (PS-II)
DAVCMC, New Delhi
4. **Dr. V. Singh**
Director (PS)
DAVCMC, New Delhi
5. **Shri V. K. Chopra**
Director (PS)
DAVCMC, New Delhi
- ✓ 6. **Shri Sansar Chand**
Admn. Office,
DAVCMC, New Delhi
- ✓ 7. **All Principals of DAV Public Schools of Delhi and J & K**
- ✓ 8. **Shri N. K. Arora**
I/c Computer (PF), DAVCMC
- ✓ 9. **Shri K. K. Krishnan**
Dealing Assistant
DAVCMC, New Delhi

For information and taking further necessary action as stated above by 03.03.2023 positively and sending the "Joint Option Form" (**in duplicate**) of the Existing Employees and Retired Employees of your School/Institutions to this office to enable us to forward the same to RPFDC Delhi (North) in time.

Encl.: As above

Brig. A. K. Adlakha

(Brig. A. K. Adlakha)
Director (Admn.)/Secy. (PF)

Joint Option Form For Existing Employees

To,

Regional Provident Fund Commissioner

Sub.: Submission of 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 C.A. No. 008143 - 008144 /2022 Titled "EPFO vs Sunil Kumar" pronounced on 04.11.2022.

Reference is invited towards Para 43 and Para 44(iv) of the aforesaid judgment dated 04.11.2022 of Hon'ble Supreme Court of India. In the above cited Civil Appeal wherein the eligible employee and his/her employer are required to submit a joint option under erstwhile Para 11(3) & para 11(4) of the EPS'95 with in a period of 4 months from the date of judgment.

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 RC Gupta judgment; in order to comply with the above requirement, we (employee and employer) are, hereby submitting the Joint Option Form as required under erstwhile Para 11(3) & Para 11(4) of Employees' Pension Scheme-1995 for claiming pension on actual salary instead of ceiling salary limit of Rs.15,000/-.

In this regard, particulars of the employee concerned are as under:

S. No.	Particulars	Details
1.	Name of Employee	
2.	Designation	
3.	EPF A/c No.	
4.	Pension A/c No.	
5.	UAN Number	
6.	Establishment Code	
7.	Name of Establishment	
8.	Mobile No.	
9.	Aadhar No.	
10.	Email Id	
11.	Date of Exit of EPS-95 Scheme on attaining the age of 58 years	

DECLARATION BY EMPLOYEE

It is certified that immediately after joining _____ (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 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 amount, i.e. Rs.15,000 (earlier Rs.5,000/ 6,500), out of the Employer's contribution had been remitted by my employer every month towards Employees' Pension Scheme, 1995 since 16.11.1995/the date of my joining onwards.

I, _____ (Name), do hereby opt for diverting 8.33% of **my actual salary out of employer's contribution** towards Pension Fund (after adjusting the amount already remitted by the employer in EPS'95 on ceiling salary/wages) from the date of joining the EPS'95. I hereby authorize, _____ (Name of Estt.), to transfer the due differential amount from my employer's

contribution of PF to EPFO thus making me eligible for drawing Pension on the basis of actual salary instead of ceiling salary in accordance with the aforesaid judgment dt 04-11-2022 of Supreme Court.

I also undertake that if any other legal formality (like Submission of Joint Option in any Other Format issued by EPFO) is required in future in this regard, I will comply it accordingly.

Date:.....
Place:.....

Signature:.....
Name :.....
Address :.....
.....
.....

UNDERTAKING BY THE EMPLOYER

I, _____(Name and Designation), being the authorized signatory on behalf of _____ (Name of the Estt.) do hereby certify that Shri/Smt. _____ is working with us as _____ (Designation). His/her EPF A/c No. is _____. He/she had been contributing towards Provident Fund on his/her actual salary, as per the terms of Para 26(6) of the EPF Scheme 1952. Equal share had been contributed by this establishment too. This establishment has no objection (in view of his/her option) regarding the transfer of the due differential amount @ 8.33% of Basic plus DA w.e.f. 16.11.1995 i.e. from the date of commencement of the Scheme or when his/her salary exceeded the statutory limit along with due interest as declared under EPF Scheme- 1952 from time to time, from his/her PF account to EPS account thus making him/her eligible for drawing pension on the basis of Pensionable salary based on his actual salary, instead of on the statutory limit as per erstwhile Para 11(3) & Para 11(4) of the EPS'95 Scheme as permitted to do so by the aforesaid judgment of Supreme Court dated 04.11.2022. The said Differential Amount shall be transferred by the establishment (i.e. _____) to EPFO on the aforesaid undertaking of the employee.

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

Date:.....
Place:.....

(Signature of Authorized Signatory with Official Seal)

Joint Option Form For Retired Employees

To,

Regional Provident Fund Commissioner (North),

Sub.: Submission of Joint option under Para11(3) and Para 11(4) of Employees' Pension Scheme, 1995 based upon the Hon'ble Supreme Court's Order in C.A. No. 008143 - 008144 /2022 Titled "EPFO vs Sunil Kumar" pronounced on 04.11.2022.

Reference is invited towards Para 43 and Para 44(iv) of the aforesaid judgment dated 04.11.2022 of Hon'ble Supreme Court of India. In the above cited Civil Appeal wherein the eligible employee and his/her employer are required to submit a joint option under erstwhile Para11 (3) & para 11(4) of the EPS' 95 with in a period of 4 months from the date of judgment.

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 RC Gupta judgment; in order to comply with the above requirement, we (employee and employer) are, hereby submitting the Joint Option Form as required under erstwhile Para 11(3) & Para 11(4) of Employees' Pension Scheme-1995 for claiming pension on actual salary instead of ceiling salary limit of Rs.15,000/-.

In this regard, particulars of the retired employee are as under:

S. No.	Particulars	Details
1.	Name of Retired Employee	
2.	Designation	
3.	EPF Account No.	
4.	Pension A/c No.	
5.	UAN Number	
6.	PPO No.	
7.	Establishment Code	
8.	Name of Establishment	
9.	Mobile No.	
10.	Aadhar No.	
11.	Email Id	
12.	Date of Exit of EPS-95 Scheme (on attaining the age of 58 years)	
13.	Residential Address	

DECLARATION BY RETIREE/EX-EMPLOYEE

It is certified that immediately after joining _____ (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 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 amount, i.e. Rs.15,000 (earlier Rs.5,000/ 6,500), out of the Employer's contribution had been remitted by my employer every month towards Employees' Pension Scheme, 1995 since 16.11.1995 onwards.

I, _____(Name), do hereby opt for diverting 8.33% of my actual salary/wages out of employer's contribution towards Pension Fund (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. Since I have already withdrawn the entire amount of Provident Fund on my attaining the age of 58 years, I undertake to return the due differential amount (i.e. the difference between the amount @8.33% of my actual salary out of

employer's contribution towards Pension Fund and the amount already remitted by the employer in EPS'95 on ceiling salary from the date of joining the EPS-95 till my attaining the age of 58 with due interest) thus making me eligible for drawing Pension on the basis of average of last 60 months Actual Salary instead of being based on ceiling salary in accordance with the aforesaid judgment.

I retired on attaining age of 58/60 years for the purpose of EPS 1995 before/after 01.09.2014 on _____(Date). I also undertake that if any other legal formality (like Submission of Joint Option in any Other Format issued by EPFO) is required in future in this regard, I will comply it accordingly.

Date:.....
Place:.....

Signature:.....
Name :.....
Address :.....
.....
.....

UNDERTAKING BY THE EMPLOYER

I, _____(Name and Designation), being the authorized signatory on behalf of _____(Name of the Estt.) do here by certify that Shri/Smt. _____was working with us as _____(Designation) and has retired on attaining age of 58 years on _____(Date). His/her EPF A/c No. is _____. He/she had been contributing towards Provident Fund on his/her actual salary, as per the terms of Para 26(6) of the EPF Scheme 1952. 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 Basic plus DA w.e.f. 16.11.1995 i.e. from the date of commencement of the Scheme or when his/her salary exceeded the statutory limit, along with due interest as declared under EPF Scheme, 1952 from time to time, thus making him/her eligible for drawing pension on the basis of Pensionable salary based on his actual salary, instead of on the statutory limit as per erstwhile Para 11(3) & Para 11(4) of the EPS'95 Scheme as permitted to do so by the aforesaid judgment of Supreme Court dated 04.11.2022. The said Differential Amount shall be transferred by the establishment (i.e. _____) to EPFO, if employee deposits it in the establishment as per instructions issued by EPFO.

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

Date:.....
Place:.....

(Signature of Authorized Signatory with Official Seal)