Tel.: 011-26196236

कर्मचारी भविष्य निधि संगठन
(श्रम मंत्रालय,भारत सरकार)
Employees' Provident Fund Organisation
(Ministry of Labour & Employment, Govt. Of India)
मुख्य कार्यालय/Head Office
भविष्य निधि, भवन, 14, भीकाएजी कामा प्लेस, नई दिल्ली-110066
Bhavishya Nidhi Bhawan, 14- Bhikaji Cama Place, New Delhi – 110066
Website: www.epfindia.gov.in

No.: Pension-III/7(192)17/RTI/ Ganesh Bhagwantrao Tolmare 3634 Dated: 13 OCT 2017

To

CPIO/RPFC
All CPIOs/RO/CRO (For Point No.6 & 7)
Regional Office , Legal Cell (For point No.15 & 16)
HRM (For point No.17 to 21)

Sub.: Supply of Information under RTI Act –2005-reg.

Sir,

Please find enclosed herewith an on line RTI of Sh. Ganesh Bhagwantrao Tolmare dated 14.09.2017 received in Pension Section for seeking information under the Right to Information Act. The copy of the letter is transferred to you for necessary action under the Right to Information Act, 2005. The information has to be provided directly to the applicant under intimation to the undersigned.

If the desired information does not pertain to the concerned division or some part of information is held by other division or public authority, the concerned CPIO shall forward/transfer the application or such part of it as may be appropriate to relevant division/Public authorities u/s 5(4) and 6(3) of the RTI Act, 2005 respectively and inform the applicant immediately/about such transfer. However, if the CPIO is not able to find out as to which division/public authority is concerned with the information even after making reasonable efforts to find out the concerned division/public authority to which the application could be transferred. It would, however, be the responsibility of the CPIO, if an appeal is made against his decision, to establish that he made reasonable efforts to find out the particulars of the concerned division/public authority.

Name & address of the Appellate Authority may also be mentioned in the reply, so that the applicant can make an appeal within 30 days from the expiry of such period or from the receipt of decision given by the public authority, if he is aggrieved by the decision.

Yours faithfully

Encl: As above

(MUKESH KUMAR)
CPIO/Regional P. F. Commissioner-I (Pension)

Copy to:-

Shri Ganesh Bhagwantrao Tolmare
C-501, Watergreen Apts.,
Samson Layout, Main Hingna Road,
Behind Octroi Naka 9, Jaitala,
Nagpur-440036-**For information.**

You are advised to approach the above Public Authority for further information regarding the matter and for any grievance regarding non-receipt of information.

S No 1 (R)

RTI REQUEST DETAILS (आरटीआई अनुरोध विवरण)

Registration Number (पंजीकरण संख्या) : EPFOGR/2017/34950	**Date of Receipt (प्राप्ति की तारीख) :** 14/09/201
Type of Receipt (रसीद का प्रकार) : Online Receipt	**Language of Request (अनुरोध की भाषा) :** English
Name (नाम) : Ganesh Bhagwanrao Tolmare	**Gender (लिंग) :** Male
Address (पता) : C-501 Watergreen Apts, Samson Layout,, Main Hingna Road Behind Octroi Naka 9,, Jaitala, Nagpur, Pin-440036	
State (राज्य) : Maharashtra	**Country (देश) :** India
Phone Number (फोन नंबर) : +91-7104232230	**Mobile Number (मोबाईल नंबर) :** +91-8378971828
Email-ID (ईमेल-आईडी) : tolmaregb@gmail.com	
Status (स्थिति)(Rural/Urban) : Urban	
Is Requester Below Poverty Line ? (क्या आवेदक गरीबी रेखा से नीचे का है?) : No	**Education Status :** Graduate
	Citizenship Status (नागरिकता) Indian
Amount Paid (राशि का भुगतान) : 10 (Foriginal recipient)	**Mode of Payment (भुगतान का प्रकार)** Payment Gateway
Request Pertains to (अनुरोध निम्नलिखित संबंधित है) : RPFC-II(Pension) EDLI HO	
Information Sought (जानकारी मांगी): RTI Application to CPIO, EPFO, New Delhias per the attached file	

Print Save Close

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19/9/17

GB Tolmare Mobile 8378971828 Mail Id tolmaregb@gmai.com

Central Public Information Officer,
Employees Provident Fund Organisation,
Bhavishya Nidhi Bhavan,
14, Bhikaji Cama Place,
New Delhi – 110066

GBT/RTI/EPFO/01
12th September 2017

Subject: Information required under Right to Information Act, 2005 concerning pension matter thus relating to life & liberty

Relates to O/O CPFC, EPFO, Head Office, 14, Bhikaji Cama Place, New Delhi - 110066

Please provide me duly attested / certified photocopies (see Chapter 1 Clause (2) (j) (ii) of the RTI Act 2005) of the following documents on A4 paper sheets regarding allowing members of the Employees Pension Scheme 1995 the benefit of the actual salary in the pension fund exceeding wage limit of either Rs 5000 or Rs 6500 per month from the effective date respectively as per the Honble SC order in the matter of R.C. Gupta & Others Vs RPFC, Shimla in SPL No. 33022-330333 of 2015.

1. Attested / Certified Copy of the complete relevant case file(s) i.e. correspondence pages and noting sheets of File No Pension-1/12/33/EPS Amendment/96/Vol.II and any other concerned file(s) wherein the above issue has been dealt and contains copies of all communications on the subject received from MOL&E, GOI, New Delhi and communications issued by your office to various EPFO offices in India i.e. ACPFCs/RPFCs/APFCs/ROs/SROs from 16-03-2017 onwards till the date of issue of documents to me.
2. Attested / Certified copy of the complete relevant file(s) i.e. correspondence pages and noting sheets wherein the MOL&E, GOI letter No R-15011/01/2017-SS-II dated 16-03-2017 had been dealt and copies of all subsequent communications on the above mentioned issue received from MOL&E, GOI, New Delhi and subsequent communications issued by your office to various EPFO offices in India i.e. ACPFCs/RPFCs/APFCs/ROs/SROs from 16-03-2017 onwards till the date of issue of information to me.
3. Attested / Certified copy of the complete relevant file(s) i.e. correspondence pages and noting sheets of file(s) containing processing of the case and approval accorded by the competent authority, based on which the communication / letter No Pension I/12/33/EPF/Amendments/96/Vol-I/340007 dated 23-03-2017 of Dr. S.K. Thakur, Addl Central PF Commisioner, HQ (Pension) had been issued to all ACCs/RPFCs/SROs.
4. Attested / Certified copy of the complete relevant file(s) i.e. correspondence pages and noting sheets of file(s) containing processing of the case and approval accorded by the competent authority, based on which the letter No: Pension-I/12/33/EPS Amendment/96 Vol.II/4432 dated 31-05-2017 had been issued to all ACCs/RPFCs/SROs.
5. Attested / Certified copy of the complete file along with noting pages seeking legal advice before issue of letter No: Pension-I/12/33/EPS Amendment/96 Vol.II/4432 dated 31-05-2017 and all communications in this regard.

6. Attested / Certified copy of list of exempted establishments to whom EPFOs in India granted benefit for pension revision on full wages to petitioners of these exempted establishments as per the judgments of HC.
7. Attested / Certified copy of list of exempted establishments to whom EPFOs in India granted benefit for pension revision on full wages to petitioners of these exempted establishments as per the judgments of SC.
8. Attested / certified copy of **"Agenda & Minutes" of 38th, 39th and 40th** meeting of PEIC (EPF) along with all annexure.
9. Attested / certified copy of **"Agenda & Minutes" of 218th meeting of CBT (EPF)** along with all annexure.
10. Attested / certified copy of agenda for 219th meeting of CBT (EPF) along with all annexure.
11. Attested / Certified copy of communication / letter No Pension I/12/33/EPF/Amendments/96/Vol-I/340007 dated 23-03-2017 of Dr. S.K. Thakur, Addl Central PF Commisioner, HQ (Pension)
12. Attested / Certified copy of communication / letter No: Pension-I/12/33/EPS Amendment/96 Vol.II/4432 dated 31-05-2017 of Regional PF Commissioner –I (Pension) – Shri Mukesh Kumar.
13. Attested / Certified copy of legal opinion along with all annexure based on which communication No: Pension-I/12/33/EPS Amendment/96 Vol.II/4432 dated 31-05-2017 of Regional PF Commissioner –I (Pension) – Shri Mukesh Kumar has been issued.
14. Attested / Certified copy of information submitted to PEIC (Pension & EDLI Committee) regarding verification of books of record of EPS members of exempted establishments as per Item 3 of MOM of 38th PEIC (Pension & EDLI Committee) committee meeting held on 8th December 2016.
15. Attested / Certified copy of writ petition WP (C) No 6526 / 2017 – Delhi High Court issued notice to EPFO as to why the instructions issued vide EPFO letter No: Pension-I/12/33/EPS Amendment/96 Vol.II/4432 dated 31-05-2017 should not be quashed.
16. Certified copies of Writ Petition (Similar to WP (C) No6526 / 2017) for injunction / stay of instructions issued by EPFO vide letter No: Pension-I/12/33/EPS Amendment/96 Vol.II/4432 dated 31-05-2017
17. Certified copies of Financial Audit Report for FY 2015-16 and 2014-15 with all annexures.
18. Certified copy of approval / permission of Commissioner of Income Tax for EPFO trust.
19. Certified copy of Principle Deed of EPFO Trust.
20. Certified copy of approval / permission of Commissioner of Income Tax for CBT trust.
21. Certified copy of Principle Deed of CBT Trust.
22. Certified copy of GSR 134 dated 28-02-1996. Attested / Certified Copy of the complete relevant case file of GSR 134 i.e. correspondence pages and noting sheets thereof. Copies of all communications regarding GSR 134 received from MOL&E, GOI, New Delhi and communications issued by your office regarding GSR 134 to various EPFO offices in India i.e. ACPFCs/RPFCs/APFCs/ROs/SROs.
23. Attested / certified copy of communication to employer / employee regarding exercising option for contribution more than ceiling amount as per clause 11 (3) of EPS 95 subsequent to incorporation of this proviso as per GSR 134.

24. Certified copy of the file noting pages on the movement of this RTI application till the date of issue of documents to me

Your kind attention is invited towards the following:

1. Clause 7(1) of the RTI Act wherein it has been clarified that the information concerning Life & Liberty is to be provided within 48 hrs.
2. Recent decisions of Central Information Commissioner in following cases wherein the **CIC has decided that information on pension matters is to be treated as concerning Life & Liberty:**

   (a) **CIC/BS/A/2016/001238**, in case titled Amrika Bai v/s PIO, EPFO, Raipur decided on **30.3.2017** wherein it has been held as under

   Para 9 - The moment RTI application on pension issue is received, there should be a mechanism at the entry stage to discover and identify if it reflects a pension related grievance/issue and then should act immediately.

   Para 10 - Not only the CPIO, even the other authorities under RTI Act like the First appeal/second appellate authorities also should dispose such appeals involving pension issues within 48 hours.

   Para 16 - The Commission also requires as per Section 19(8)(a)(I, iii & iv) of RTI Act, the public authority to consider pension related information as life and liberty concerned information

   (b) **CIC/BS/A/2016/000307**, in case titled V.Balaraman v/s PIO, EPFO, Thiruvananthapuram decided on **4.7.2017** wherein the above orders of CIC as at 2 (a) above have been reiterated that the information relating to pension matters must be provided within 48 hours as the same is concerning life & liberty.

   (c) **CIC/BS/C/2015/000157**, in case titled V.Vaidyanathan v/s PIO, EPFO, Mumbai decided on 17.7.2017 wherein the above orders of CIC as at 2(a) above have again been reiterated that the information relating to pension matters must be provided within 48 hours as the same is concerning life & liberty.

You are, therefore, requested to provide duly Attested/Certified photocopies (See Chapter 1 Clause (2) (j) (ii) of the RTI Act 2005) of the aforesaid documents on A-4 paper sheets under RTI Act 2005 **within 48 hours as decided by the CIC (See Sr. no. 2 above).**

Thanking you

Yours faithfully,

(Ganesh Tolmare)
C-501, Water Green Apartment,
Sanson layout
Main Hingna Road,
Behind Octroi Naka 9.
Jaitala
NAGPUR – 440036
Mobile 8378971828 Mail Id tolmaregb@gmail.com