



कर्मचारी भविष्य निधि संगठन  
**Employees' Provident Fund Organisation**  
श्रम एवं रोजगार मंत्रालय, भारत सरकार  
Ministry of Labour & Employment, Government of India  
भविष्य निधि भवन / Bhavishya Nidhi Bhawan  
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No: Pen-I/12/33/EPS Amendment/96 Vol.II/

Dated: 18 APR 2018

To,

All ACC HQ, ACC (Zones),  
All RPFC –OICs.

**Subject:-Transfer Petition (Civil) No. (S) 2302-2342/2017 – regarding.**

Sir,

Attention is drawn to Head Office letter No.Pension-I/12/33/EPS Amendment/96 Vol.II/13979 dated 19.12.2017.

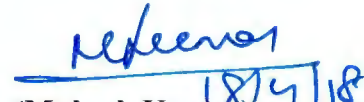
The Hon'ble Supreme Court vide its order dated 10.04.2018 vacated the interim stay granted on 15.12.2017 and requested the concerned High Courts to deal with the matters on merits. The Hon'ble Supreme Court accordingly disposed the Transfer Petitions and all pending applications. (copy of the order is enclosed)

In light of the above order it is requested to take the following actions.

- i) To defend the cases filed by employees of exempted establishments against EPFO seeking quashing of circular letter No. Pension-I/12/33/EPS Amendment/96/Vol.II/4432 dated 31.05.2017 and praying for allowing option to contribute retrospectively on Higher Wages exceeding the statutory limit under the deleted proviso to Para 11 (3) of Employees Pension Scheme 1995.
- ii) The counter reply in all such Writ Petitions may be prepared and forwarded to Head Office through ACC Zone for vetting sufficient in advance. The instructions laid down in circular No. LC-9(12)2013/CPFC Ref./Pt./3865 dated 16.05.2014 and sub-sequent circulars must be followed

(This issues with the approval of CPFC)

Yours faithfully,

  
(Mukesh Kumar)  
Regional PF Commissioner-I (Pension)

ITEM NO.5

COURT NO.10

SECTION XVI-A

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Transfer Petition (Civil) No(s).2302-2342/2017

EMPLOYEES" PROVIDENT FUND ORGANIZATION (EPFO)  
ETC.ETC.

Petitioner(s)

VERSUS

AJAY CHANDRA ETC.ETC.  
((With appln.(s) for stay)

Respondent(s)

Date : 10-04-2018 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA  
HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Petitioner(s) Mr. R.M. Sharma, dv.  
Mr. Sanjay K. Shandilya, Adv.  
Mr. Apoorva Agrawal, Adv.  
Mr. Mushtaq Ahmad, AOR

For Respondent(s) Mr. Rajesh Gupta, Adv.  
Mr. Harpreet Singh, Adv.  
Mr. Sumit R. Sharma, AOR  
Mr. Pranjal Saran, Adv.  
Mr. Ajay Chandra, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

1. It is stated that since Kerala High Court has reserved the judgment and has not decided it so far inspite of our request made on 20.12.2017.

2. It is stated by learned counsel appearing on behalf of the respondents that in Delhi High Court, additional question has been raised with respect to the Notification

dated 31.5.2017.

Signature Not Verified  
Digitally signed by  
BALA PARSURAM  
Date: 2018.04.11  
15:28:21 IST  
Reason: ...

3. In the circumstances, we vacate the interim stay granted on 15.12.2017 and request the concerned High Courts to deal with the matters on merits and not to await the decision of the Kerala High Court.

4. The transfer petitions and all pending applications are accordingly disposed of.

(Sarita Purohit)  
Court master

(Jagdish Chander)  
Branch Officer