

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, भीकाजी कामा प्लेस, नई दिल्ली-110066
Bhavishya Nidhi Bhawan, 14- Bhikaji Cama Place, New Delhi - 110066

Website: www.epfindia.gov.in

No.: Pension-III/7(400)18/RTI/ Ram Shanker
To

Dated:

04 JUL 2018

✓ All CPIOs/ROs (For Point No. 2,3 & 7)

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

Sir,

Please find enclosed herewith an online RTI application 25.05.2018 under RTI Act of Sh. Ram Shanker received in Pension Section on 21.06.2018 through PID 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.

In this context please refer the order of the full bench of CIC in Appeal No. CIC/AT/A/2008/01280, dated 29.09.2008 between Sri Ketan Kantilal Modi Vs. Central Board of Excise & Customs wherein it is held as under:-

"In case CPIO, CBEC transfers appellant's RTI application electronically to the subordinate Commissionerates, the latter shall process these information requests as independent requests under Section 6(1) and collect from the petitioner all requisite fees including the application fee as if the application were made independently by him to that public authority subordinate to the CBEC."

No copy is required to be endorsed to Head Office for information.

Yours faithfully,

Encl: As above

(Kartikey Singh)

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

Copy to:-

Shri Ram Shanker
163, Gail Apartments,
B-9/1, Sector-62,
Noida 201 309-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.



कर्मचारी भविष्य निधि संगठन
(श्रम एवं रोजगार मंत्रालय, भारत सरकार)
EMPLOYEES' PROVIDENT FUND ORGANISATION
(Ministry of Labour & Employment, Govt. of India)
मुख्य कार्यालय / Head Office
भविष्य निधि भवन, 14-भिकारी कामा प्लेस, नई दिल्ली-110 066
Bhavishya Nidhi Bhawan, 14, Bhikari Cama Place, New Delhi - 110 066.

No. PID/HQ/285/2018

20 JUN 2018

To

The CPIO/RPFC
Pension
Head Office

Sub: Supply of information under Right to Information Act, 2005 - reg.

Sir,

Please find enclosed herewith a Letter of Sh. Ram Shankar letter received in this office on **15.06.2018** 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. It is certified that the applicant has deposited the application fee i.e. **Rs. 10/-**.

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, in such cases RTI request is to be sent back to Head Office, but should not be disposed or kept pending with the CPIO. 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.

If some part of the information concerns to public authority under any State Government or the Union Territory Administration, the CPIO receiving the application should inform the applicant that the information may be requested from the concerned State Government/UT Administration. Application, in such a case, need not be transferred to the State Government/UT Administration.

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,

(Gyanendra Kumar)

Assistant P.F. Commissioner (PID)

Copy to :- 1: **Sh. Ram Shankar**
163, Gail Apartments,
B-9/1 Sector- 62,
Noida- 201309

(Gyanendra Kumar)

Assistant P.F. Commissioner (PID)

REGISTERED

Email: rs01122@gmail.com

RAM SHANKER
Advocate

163, GAIL Apartments,
B-9/1, Sector-62
NOIDA 201-309

Ref.No. RTI / RS-EPS 95

Dated June 13, 2018

To,

The Chief Public Information Officer,
EPFO, Head Office,
Bhavishya Nidhi Bhawan,
14, Bhikaji Cama Place,
NEW DELHI 110-066

Dalip
15/6/18
Mr. Deepak
Sub: Application to seek information under sec. 6(1) of Right to Information Act, 2005

Dear Sir,

Kindly provide following information under Right to Information Act, 2005 with the supporting documents including relevant rules, regulations & file noting etc. related to implementation of Employees Pension Scheme 1995 as per directives of Hon'ble Supreme Court dated 04.10.2016 in SLP No. 33032- 33033 of 2015 in terms of recent circular of Addl. Central P. F. Commissioner (Pension) dated 08th June 2018 addressed to all Regional Provident Fund Commissioners (In charge of Region).

- (i) Whether number of cases of pensioners settled for payment of pension on higher wages mentioned in the table of Para 2 of circular dated 08th June 2018 includes the pensioners of exempted establishment also? If so, please provide number of such cases region / zone wise.
- (ii) Number of cases in which applications of the pensioners for payment of pension on higher wages belonging to exempted establishment have been allowed along with the details of the pensioners prior and subsequent to the aforesaid order dated 4.10.2016 of the Supreme Court.
- (iii) Number of cases in which application of pensioners for payment of pension on higher wages belonging to exempted establishment, have been denied / pending. Further number of cases where reason for such denial / pendency of the pensioners belonging to exempted establishment, be also intimated.
- (iv) Whether amount of contribution & interest contributed by the pensioners for getting pension on higher wages as mentioned in the Para 2 of letter dated 08th June 2018 includes the interest paid to them on balance amount of pension contribution on higher wages at the time of retirement or subsequent

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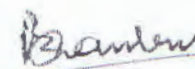
interest accrued till the date of remittance of the balance contribution also. If it also includes the interest accrued up to the date of remittance reasons for seeking the same by EPFO be please intimated.

- (v) Whether the amount of pension arrears paid to the pensioners mentioned in the table of Para 2 also includes interest accrued on the balance of the pension on higher wages till the date of payment.
- (vi) Whether the instructions issued to all Regional Provident Fund Commissioners (In charge of Region) vide circular dated 08th June, 2018 for prompt revision of pension on higher wages also includes the pensioners of exempted establishment? Please give the details thereof.
- (vii) Number of pending cases before various courts of law for grant of pension on higher wages in terms of aforesaid orders of Hon'ble Supreme Court dated 04th October, 2016.
- (viii) Whether the Circular dated June 8, 2018 as been issued with the consent/ approval of the Ministry of Labour and Employment. Please provide the copy of the noting thereof.
- (ix) Whether the pension cases of eligible members as per the existing software and the provisions in the pension scheme mentioned in para 5 of the circular dated 08.06.2018 also covers the cases of the pensioners of exempted establishments whose PF account is maintained by the Trust and the pension account is maintained by the EPFO?
- (x) What is the criterion for deciding the eligibility for the revision of pension as per the order dated 4.10.2016 of the Hon'ble Supreme Court mentioned in Para 6 of the Circular dated 8.6.2018?

- 2. Above information is information as defined under sec. 2 (f) of RTI Act, 2005 and in terms of Sec. 7(1) of the Act same is to be given within 30 days.
- 3. The information sought for does not fall under exempted category under Sec.8 & Sec.9 of the Act and is related to your department/ organisation.
- 4. I am a Indian citizen and therefore competent to seek the information. My PAN Card number is AGOPS2881F.
- 5. For the purpose of remittance of prescribed fee of Rs. 10/-, Postal Order no. 43F 184642 dated 15.12.2017 issued by Vasundhara Enclave Delhi 110096 Post Office is enclosed.
- 6. The information sought for is to be sent on the address given at the top of the letter.

Thanking you with regards,

Encls: As above


(Ram Shanker)