

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(377)18/RTI/ U.M.Meshram

Dated:

05 SEP 2018

To

All CPIOs/ROs (for point no. 3)

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

Sir,

Please find enclosed herewith RTI application 13.06.2018 under RTI Act of Sh. U.M.Meshram 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.

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."

Yours faithfully,

Encl: As above


(Kartikey Singh)


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

Copy to:-

Shri U.M.Meshram,
Flat No. C-102, First Floor, "C" Wing,
Utkarsha- Anuradha Apartment,
Behind Hotel Heritage, Civil Lines,
Nagpur-440001(M.S.).-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.




जारी किया
ISSUED

S.No. 1(R)

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RTI Application

By Speed Post

Nagpur,

Dated: 13-06-2018



To,
CPIO and Regional Provident Fund Commissioner (Pension),
Employees Provident Fund Organization,
(Ministry of Labour and Employment, Govt. of India),
"Bhavishya Nidhi Bhawan",
New Delhi-110066

Subject :- Allowing members of the EPS'95 the benefit of the actual salary in the Pension Fund exceeding the wage ceiling of either Rs.5000/- or Rs.6500/- per month from the effective date respectively as per the Order of the Hon'ble Supreme Court in Civil Appeal No(s) 10013-10014 of 2016 arising out of SLP No. 33032-33033 of 2015 – Information under RTI Act, 2005

Put up.

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SD (Pension/RTI)

- Ref :-
- (1) Order dated 4-10-2016 of Hon'ble Supreme Court in SLP No. 33032- 33033 of 2015
 - (2) Minutes of the 215th CBT (EPF) Meeting dated 19-12-2016
 - (3) MOL&E letter dated 16-03-2017
 - (4) Addl. CPFC,HQ (Pension) letter no. Pension-1/12/33/EPS-Amendment /96/vol-II/34007 dated 23-03-2017
 - (5) RPFC-I (Pension) Interim reply No.Pension-I/12/33/EPS Amendment /96 Vol-II/4432 dated 31-05-2017.
 - (6) Hon'ble High Court of Kerala Judgment dated 12th April ,2017 in WA No.451 of 2017 filed by EPFO against the judgment in WP©11975/2015 of Hon'ble High Court of Kerala dated 10th April 2015 filed by Shri Raju and 263 other employees of M/s ITI Ltd, an exempted establishment
 - (7) Hon'ble High Court of Kerala judgment dated 19-07-2017 in WA 2298 of 2015 filed by the Union of India, EPFO and others against the judgment in WPC 11676/2015 filed by M.Muraleedharan and others- Instrumentation Ltd.(Exempted Establishment)

Sir,

On the subject cited above, the undersigned have made several correspondences with EPFO, Head Office, New Delhi as well as with the RPFC,EPFO, Nagpur but still date I am deprived from the benefits of higher pension on higher wages in accordance with the order dated 04-10-2016 of the Hon'ble Supreme Court in SLP No. 33032- 33033 of 2015 and subsequent order of Addl. CPFC,HQ ,EPFO, New Delhi (Pension) letter no. Pension-1/12/33/EPS- **Amendment /96/vol-II/34007 dated 23-03-2017** which was issued as a compliance to the order of Hon'ble

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Supreme Court with the approval EPF(CBT) and Ministry of L&E under whose administrative control the EPFO is functioning.

The interim letter No. Pension-1/12/33/EPS Amendment/96/Vol-II dated 31-05-2017(sl.no.5 above) issued under the signature of Shri Mukesh Kumar, RPFC-1(Pension), EPFO, New Delhi was placed in the aforesaid case viz. Instrumentation Ltd., (An Exempted Establishment) (Sl.No.7 above) by the EPFO as Annexure for denial of pension to the employees of exempted establishment before the Hon'ble High Court of Kerala. The Hon'ble High Court of Kerala allowed the petitioners employees of Instrumentation Ltd (Exempted Establishment) the benefits of higher pension on higher wages, and rejected the contention of EPFO which made in EPFO circular dated 31-05-2017 of Head Office (sl.no.5 above) .

In fact keeping in view various judgment of Hon'ble Courts, the EPFO should have immediately withdrawn its interim letter dated 31-05-2017(sl.no.5 above) and should have by now allowed the benefits of higher pension on higher wages to the undersigned applicant and many others pensioners under EPS 1995 in respect of exempted establishments on the similar lines of ITI Ltd and Instrumentation Ltd.

Since I am one of those pensioner of exempted establishment to whom the EPFO has so far denied the benefits of higher pension on actual higher salary, despite making several written communications with the EPFO, RPFC-I, EPFO, Nagpur and Ministry of Labour and Employment, thus I have no other alternative other than to approach the Hon'ble Court against the EPFO, H.O. New Delhi, RPFC-I, EPFO, Nagpur, and Ministry of Labor and Employment to get the justice like many other employees of exempted establishments like IIT Ltd., Instrumentation Ltd., etc at the cost and consequences of EPFO..

Keeping in view the above, it is requested to kindly supply the following information and documents under the provision of RTI Act, 2007 :-

- (1) Please state what action so far taken by EPFO, HO, New Delhi on the letter No.KR/KK/Legal/High Court Case/Higher Pension/166 dated 18-08-2017 of Shri Vishal Agarwal, RPFC-II, EPFO, Eranielipalam, Kozhikode-673006 and supply copy of relevant file notings and copies of letters issued, if any, by EPFO, HO, New Delhi to RPFC-II EPFO, Kozhikode towards its above letter.
- (2) (a) Whether the EPFO has challenged the judgment dated 12th April 2017 in WA No.451 of 2017 filed by EPFO against the judgment in WP©11975/2015 of Hon'ble High Court of Kerala dated 10th April 2015 filed by Shri Raju S.B. and 263 other employees of M/s ITI Ltd.(Exempted Establishment) and Judgement dated 19-07-2017 in WA 2298 of 2015 filed by the Union of India and others

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against the judgment in WPC 11676/2015 filed by Shri M.Muraleedharan and others of Instrumentation Ltd(Exempted Establishment) in Division Bench of Kerala High Court or Supreme Court. If so, please furnish the details.

(b) Or EPFO has implemented the aforesaid judgments (sl.no.2a above) in respect of these exempted establishments allowing the employees of ~~Instrumentation Ltd~~ ^{Instrumentation Ltd} exempted establishment the benefit of higher pension on higher salary and since when.

(3) Please supply the name and addresses of all **exempted establishments** whose employees are getting benefits of higher pension on higher wages as per the order of the various Courts in the following format :

Sl. No.	Name and Addresses of the all Exempted Establishments all over in India whose employees are getting the benefits of Higher Pension on higher wages under EPS 1995.	With reference to column no.2, number of employees (exempted Establishment wise)	With reference to Column no.2 and 3 Writ Petition No./WA No. and Name of the petitioners and respondents	With reference to column no.2,3, and 4, Date of judgment and Hon'ble Court (s) based on which employees of exempted establishments (i.e. column no.2, 3 and 4) getting the benefits of Higher Pension on higher wages under EPS 1995.
(1)	(2)	(3)	(4)	(5)

(4) Reasons for not adopting uniformity in allowing the benefits of higher pension on higher wages to all the pensioners of exempted establishments in terms of Addl. CPFC, HQ (Pension),EPFO, New Delhi letter no. Pension-1/12/33/EPS-Amendment/96/vol-II/34007 dated 23-03-2017 in consonance with recent judgment of Hon'ble High Court of Kerala in M/s ITI Ltd.(Exempted Establishment) and Instrumentation Ltd(Exempted Establishment).

(5) Whether, the judgments of various courts in respect of exempted establishments and in particular judgment dated 12-04-2017 and 19-07-2017(i.e. sl.no.6 and 7 above) allowing the benefits of higher pension on higher wages under EPS 1995 to the employees of exempted establishments viz. ITI Ltd and Instrumentation Limited has been challenged by EPFO in Supreme Court. If so, please give the details thereof.

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(6) If aforesaid judgment dated 19-7-2017 of Kerala High Court not challenged by the EPFO before the Supreme Court, then why the verdict of the Hon'ble Court is not implemented uniformly to all exempted establishments all over in India.

(7) The EPFO order dated 23-03-2017 has the approval ^{of} CBT (EPF) and Ministry of Labour and Employment, being the Administrative Ministry for EPFO whereas interim order dated 31-05-2017 issued by EPFO has the approval of CPFC, EPFO, HO itself. Please intimate whether any ex-post ^{facto} approval of CBT (EPF) and Ministry of Labour and Employment, has been obtained by EPFO towards its interim order dated 31-05-2017. If so, please provide photocopies of the same.

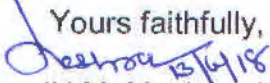
I am enclosing herewith IPO for Rs. 10/- bearing No(s) 63 C 877508 and 63 C 877509 dated 12-06-2018 as prescribed fees under RTI. Please intimate me further additional charges towards photocopies of documents to enable me to send the same to you to enable me to get the documents within the prescribed time limit. It is requested that while supplying the documents please ensure that documents should be duly attested and clearly legible/readable so that the same can be attach with my W.P. in the event I do not get benefit of higher pension on higher salary from EPFO.

Thanking You

Encl: A/a

My Address :-

Uttam Maroti Meshram,
C-102, First Floor, "C" Wing,
Utkarsha-Anuradha Apartment,
Behind Hotel Heritage, Civil Lines,
Nagpur-440001(M.S.).

Yours faithfully,

(U.M. Meshram)

Mobile- 9420246741