



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-भीकाजी कामा प्लेस, नई दिल्ली-110 066.
Bhavishya Nidhi Bhawan, 14, Bhikaiji Cama Place, New Delhi – 110 066.

No.LC/E/25087/3

Dated: 20.03.2021

To,

All Addl. CPFCs Zones
All RPFC-Is (Regions)

**Subject: Pension Division Circular No. Pension-I/12/33/EPS
Amendment/96/Vol. II/34007 dated 23.03.2017**

Sir,

Kind reference is invited to stated circular. A doubt had arisen as to whether the said circular proceeds on a correct understanding of the law declared by the Supreme Court of India in its decision dated 04.10.2016 in Civil Appeal No. 10013-10014 of 2016 - R.C. Gupta vs Regional Provident Fund Commissioner. In connection with the same, the opinion of the Ld. Attorney General for India was sought, particularly in view of the ongoing litigation in the Supreme Court of India, in SLP (C) No. 8658-8659/2019 – *The Employees Provident Fund Organisation & Anr. vs. Sunil Kumar B & Ors.* and the batch of connected cases.

2. The Ld. Attorney General for India has rendered his opinion on 19.03.2021. He has pointed out that by the order passed by the Supreme Court on 25.02.2021, SLP (C) No. 8658-8659/2019 – *The Employees Provident Fund Organisation & Anr. vs. Sunil Kumar B & Ors.* and the batch of connected cases has been directed to be taken up for final hearing on 23.03.2021. The order dated 25.02.2021 also states that the matters “shall be taken up for hearing on day-to-day basis” and would not be adjourned under any circumstance.

3. The Ld. Attorney General has also noted that the Court has divided this batch of cases into four categories, one of which is the petitions seeking implementation of

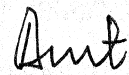
the judgment and order dated 04.10.2016 passed by this Court in the *R.C. Gupta* case. He has opined that in the course of the hearing of these cases, the exact scope of the decision in the *R.C. Gupta* case shall be declared by the Court, and that while contesting these petitions, the EPFO would seek to persuade the Court to reconsider the correctness of the decision in the *R.C. Gupta* case, and to declare that the said case was wrongly decided.

4. In these circumstances, the Ld. Attorney General has advised that appropriate course of action would be to keep in abeyance the Circular dated 23.03.2017, pending final decision by the Supreme Court in the aforementioned batch of cases listed for final hearing on 23.03.2021. Once the Supreme Court hears and finally decides these cases, the further course of action could be decided in accordance with the judgment of the court.

5. In view of the above, Circular No. Pension-I/12/33/EPS Amendment/96/Vol. II/34007 dated 23.03.2017 is hereby kept in abeyance pending final decision by the Supreme Court in SLP (C) No. 8658-8659/2019 – *The Employees Provident Fund Organisation & Anr. vs. Sunil Kumar B & Ors.* and the connected cases.

[Authority: Ministry of Labour and Employment communication no R-15011/01/2017-SS-II dated on 20.03.2021]

Yours faithfully,



(Amit Vashist) 20.03.2021

RPFC-I (Legal)