



ईपीएफओ, मुख्य कार्यालय

श्रम एवं रोजगार मंत्रालय, भारत सरकार
भविष्य निधि भवन, 14, भीकाजी कामा प्लेस, नई दिल्ली 110066



EPFO, HEAD OFFICE

MINISTRY OF LABOUR & EMPLOYMENT, GOVERNMENT OF INDIA
BHAVISHYA NIDHI BHAWAN, 14, BHIKAJI CAMA PLACE, NEW DELHI 110066

www.epfindia.gov.in

सं.: Pension-3/7(45)2022/RTI/Alok Sinha/01282 (e-58013)

दिनांक: 10.02.2023

सेवा में,

केन्द्रीय जन सूचना अधिकारी, सभी आंचलिक/
क्षेत्रीय कार्यालय, कर्मचारी भविष्य निधि संगठन

विषय : सूचना का अधिकार अधिनियम, 2005 के अंतर्गत सूचना प्रदान करने के संबंध में।

महोदया/महोदय,

श्री आलोक सिन्हा से ऑनलाइन आर.टी.आई आवेदन (रजि० न० EPFOG/R/E/23/01282) दिनांक 25.01.2023 को प्रेषित पेंशन अनुभाग में प्राप्त हुआ का संदर्भ लें, जिसमें उन्होंने सूचना का अधिकार अधिनियम 2005 के अंतर्गत सूचना प्रेषित करने हेतु आवेदन किया है (संलग्न), अधिनियम की धारा 6(3) के अनुसार सूचना प्रेषित करने हेतु स्थानांतरित किया जा रहा है।

धारा 7(1) में प्रावधान है की अनुरोध की गई सूचना को जहां तक संभव हो तत्काल उपलब्ध कराया जाए या रद्द किया जाय लेकिन इसे प्राथी को 30 दिन के भीतर अनिवार्य रूप से सूचना रद्द करने का कारण लिखित में उपलब्ध कराया जाए अन्यथा इसे इंकार माना जाएगा।

यह प्रमाणित किया जाता है कि आवेदनकर्ता ने 10/- रूपए (दस रूपए) का आवश्यक अपेक्षित शुल्क जमा करा दिया है।

आवेदक को, अनुरोध का उत्तर देते समय, अपील प्राधिकारी का बयौरा पदनाम एवं पता उपलब्ध कराया जाए ताकि सूचना से असंतुष्ट होने पर अधिनियम की धारा 19(1) के अंतर्गत अपील दायर की जा सके।

भवदीय,

(शुभम अग्रवाल)

सी.पी.आई.ओ /क्षेत्रीय भविष्य निधि आयुक्त -II (पेंशन)

प्रतिलिपि :

Shri Alok Sinha,
G-34, Shivalik Nagar, BHEL,
Ranipur, Haridwar, Pin: 249403

RTI REQUEST DETAILS (आरटीआई अनुरोध विवरण)

Registration Number (पंजीकरण संख्या) :	EPFOG/R/E/23/01282	Date of Receipt (प्राप्ति की तारीख) :	25/01/2023
Type of Receipt (रसीद का प्रकार) :	Online Receipt	Language of Request (अनुरोध की भाषा) :	English
Name (नाम) :	ALOK SINHA	Gender (लिंग) :	Male
Address (पता) :	G-34, SHIVALIK NAGAR, BHEL, RANIPUR, HARIDWAR, Pin:249403		
State (राज्य) :	Uttarakhand	Country (देश) :	India
Phone Number (फोन नंबर) :	Details not provided	Mobile Number (मोबाईल नंबर) :	+91-8126339235
Email-ID (ईमेल-आईडी) :	asinha.bhel@gmail.com		
Status (स्थिति)(Rural/Urban) :	Urban	Education Status :	Graduate
Is Requester Below Poverty Line ? (क्या आवेदक गरीबी रेखा से नीचे का है?) :	No	Citizenship Status (नागरिकता) :	Indian
Amount Paid (राशि का भुगतान) :	10) (original recipient)	Mode of Payment (भुगतान का प्रकार) :	Payment Gateway
Does it concern the life or Liberty of a Person? (क्या यह किसी व्यक्ति के जीवन अथवा स्वतंत्रता से संबंधित है?) :	No(Normal)	Request Pertains to (अनुरोध निम्नलिखित संबंधित है) :	CPIO Pension,EDLI HO
Information Sought (जानकारी मांगी):	Dated: 25.01.2023 CPIO Pension Division EPFO-HQ, New Delhi 1. I am a Citizen of India. 2. I am an Ex-employee of Bharat Heavy Electricals Ltd.,(BHEL) retired on 24.09.2013. I was member of EPS-95 Scheme. 3. Central Information Commission in matters of Amrika Bai v/s PIO, EPFO, Raipur (CIC/BS/A/2016/001238), V. Balaraman v/s PIO, EPFO, Trivendrum (CIC/BS/A/2016/000307), V. Vaidyanathan v/s PIO, EPFO, Mumbai (CIC/BS/C/2015/000157) has held that information relating to Pension Matter concerns to Life and Liberty of retired employees and must be provided within 48 hours of the receipt of request in compliance of proviso to Section 7(1) of the RTI Act, 2005. Also please refer EPFO HQ directive No. PID/MISC/2017/3224 dated 25.09.2017 declaring RTIs on Pension Matters concerning Life and Liberty and to be disposed off within 48 Hours from the receipt of application. 4. I am attaching an attachment to seek information under RTI Act which may be treated as a part of this application. 5. It is presumed that information sought is available at EPFO-HQ centrally. However, if not available centrally, my application may be transferred to Zonal Offices/Regional Offices through transfer on this portal itself or through Email as deem fit. I have also deposited a sum of Rs. 1590/- (Rs. One Thousand Five Hundred Ninty only) in the bank a/c of EPFO HQ - State Bank of India (IFSC Code SBIN0007755) Account No.		

35002108902 today vide transaction number IHR1477842 dated 25.01.2023 from my SBI bank account in advance in respect of application fee @ Rs. 10/- for each of 21 Zonal offices and 138 Regional offices, to save time in case EPFO HQ has to transfer my application to all the ZOs & ROs. The copy of Transaction is also attached with this application. The fact of receipt of Application Fee may also be intimated while transferring the application to different offices.

6. The sought information being time bound and of urgent nature, the same be provided to me immediately by email at my registered email asinha.bhel@gmail.com followed by hard copy duly signed by Speed Post/Registered Post at my registered postal address. If any extra amount is required to be paid for the sought information, I am ready to deposit the same.

7. To best of my knowledge, the sought information does not relate to Section 8 and 9 of the Act which are exempted from disclosure.

(ALOK SINHA)

G-34, Shivalik Nagar, BHEL, Ranipur, Haridwar 249403

Email: asinha.bhel@gmail.com

Mobile: 8126339235

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ATTACHMENT TO RTI APPLICATION DATED 24.01.2023 OF ALOK SINHA

On 20.01.2023, EPFO has provided a web link on its UAN online member interface wherein

- (a) Pensioners interested for revision of their pension on higher salary are required to apply online on or before 03.03.2023
- (b) Pensioners are required to indicate the date of filing joint option under proviso to Para 11(3) of EPS Scheme and are also required to attach a copy of the joint option form exercised before 01.09.2014. (Refer Serial Number 13 of the said online form)
- (c) Pensioners are required to indicate the date of rejection of joint option by EPFO. (Refer Serial Number 14 of the said online form)
- (d) Pensioners are required to intimate name of the office which rejected and also to attach a copy of the order of rejection. (Refer Serial Number 15 of the said online form)

The brief background is as follows.

1. The EPS Scheme was introduced vide GSR no. 748 dated 16.11.1995 which was not accepted by the employees. Thus, the judicial controversy was created from the inception of the EPS Scheme, 1995. Various petitions against introduction of Employees' Pension Scheme, 1995 were filed in different High Courts and all cases were transferred to Hon'ble Supreme Court through Transfer Petition. The Hon'ble Supreme Court decided the pending matters by upholding the validity of the Employees' Pension Scheme, 1995 in its Judgement on 11.11.2003 in Otis Elevator case upholding the Scheme to be valid.
 2. A new *Proviso* 11(3) had been added in the Scheme vide GSR no. 134 dated 28.02.1996 allowing contribution on higher salary.
 3. EPFO HQ issued a circular no. Pen-I/SCJ/Exemp/2003/81794 dated 05.02.2004 for implementing the aforesaid judgment dated 11.11.2003
 4. Just after four & a half months, EPFO HQ issued a clarificatory circular no. Pen-4(2)96/SLP/Vol. V/16598 dt. 22.06.2004 clarifying that if in the past contribution was paid on the wage ceiling and if the member now wants to enhance the contribution on higher salary, in such cases, the members are not allowed to do so. Accordingly, field offices of EPFO stopped accepting contribution on higher/ actual salary in the Pension Fund.
 5. EPFO HQ further issued a clarification to SRO, Visakapatnam vide letter no. Pen.4(38)/96/WB/59867 dated 01.12.2004 wherein it was clarified that the employees whose salary as on 16.03.1996 was above statutory limit or exceeded the wage limit after 16.03.1996, but remittance made by the employer to a/c no. 10 is upto wage ceiling and not on such higher wages drawn by the employee, such workers cannot be allowed now to contribute at higher wages. Accordingly, EPFO stopped accepting contribution on higher/actual salary in the Pension Fund.
 6. So, the window for exercising the option for contributing on higher salary in Pension Fund was CLOSED w.e.f. 01.12.2004 onwards for all the members.
 7. There after the Apex Court gave its decision in all the 10 SLPs against the arbitrary action. EPFO issued a circular for implementing the decision on 23.03.2017. However, EPFO declined to extend the benefit vide Circular dated 31.05.2017 to the employees of exempted organization.
 8. Apex Court vide its judgement dated 04.11.2022 has also adjudicated that both Exempted and Non exempted organizations are on same footings and extended the benefits to the employees of Exempted organizations as well.
 9. In relation to the above context, please provide me the following information/documents point wise through my registered email asinha.bhel@gmail.com as well as hard copy duly certified by Speed Post/Registered Post.
- (a) Copy of Circular sent from Head Quarter/Regional Office/Zonal Office of EPFO to BHEL regarding issue of GSR 134 dated 28.02.1996 for its implementation and publicity among employees. If you have not sent any such communication in writing, the same may be confirmed.

- (b) The cut-off date for exercising the options under Para 11(3) of EPS Scheme adopted by EPFO was 01.12.2004. Please intimate me the date when EPFO started accepting such options beyond that date i.e., the date when the said decision was revoked. Please furnish copy of such Circular sent to BHEL.
- (c) Copy(ies) of any circular(s), if issued by EPFO HQ to ZOs & ROs of EPFO for allowing the members to exercise options under Para 11(3) for contributing in Pension Fund on their actual salary between 28.02.1996 to 30.11.2004; 01.12.2004 till 31.08.2014 and 01.09.2014 to 31.12.2022. Further, based on such Circular, copy of Circular issued by ROs to BHEL may be furnished.
- (d) How many Joint Option Forms (number only) from BHEL exercising options under Para 11(3) for contributing in Pension Fund on their actual salary had been received from 28.02.1996 till date by EPFO.
- (e) How many Joint Option Forms (number only) from BHEL exercising options under Para 11(3) for contributing in Pension Fund on their actual salary had been rejected by the Regional Offices till date.
- (f) Vide circulars dated 22.11.2006 and 08.11.2013, it had been clarified that the option to contribute on a pay exceeding statutory limit is available to a member ONLY under Para 26(6) of the EPF Scheme ,1952 AND NOT UNDER PARA 11(3) of EPS. It had also been clarified that the Para 11(3) clarifies the methodology of determination of pensionable salary ONLY

Please provide me a copy of the circular/document issued by EPFO HQ to ZOs & ROs by which the option to contribute on a pay exceeding statutory limit is now available by exercising option under Para 11(3).

- (g) Has HQ issued any format of Joint Option to ZOs/ROs from 28.02.1996 onwards till 31.12.2022? If yes, please provide me copy of each of such circulars containing such formats and a copy of each such form for exercising joint option issued from time to time.

(ALOK SINHA)
G-34, SHIVALIK NAGAR, BHEL, HARIDWAR 249403
EMAIL: asinha.bhel@gmail.com
Mobile: 8126339235



INB Reference Number IHR1477842
Transaction Status Processed
Transaction Date 25-Jan-2023 10:00 AM IST

Debit Account Details

SBI Account Number	00000010667886993	Account Type	Savings Accou
SBI Branch	RANIPUR(HARDWAR)	Amount	1,590.00

Credit Account Details

Account Number	00000035002108902	Amount (INR)	1,590.00
Purpose	RTI FEE ALOK SINHA		