



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

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सं.: Pension-3/7(22)2022/RTI/Parveen Kohli (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 परवीन कोहली से ऑनलाइन आर.टी.आई आवेदन (रजि० न० EPFOG/R/E/23/01105) एवं (रजि० न० EPFOG/R/E/23/01109) दिनांक 22.01.2023 को प्रेषित पेंशन अनुभाग में प्राप्त हुए 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 किये जा रहे हैं।

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 Parveen Kohli,  
12 HOPE Apartments, Sector 15 (Part-2),  
Jhasa Road, Gurgaon,  
Haryana: 122001

## RTI REQUEST DETAILS (आरटीआई अनुरोध विवरण)

Registration Number (पंजीकरण संख्या) :	EPFOG/R/E/23/01105	Date of Receipt (प्राप्ति की तारीख) :	22/01/2023
Type of Receipt (रसीद का प्रकार) :	Online Receipt	Language of Request (अनुरोध की भाषा) :	English
Name (नाम) :	Parveen Kohli	Gender (लिंग) :	Male
Address (पता) :	12 HOPE Apartments, Sector 15 (Part-2), Jharsa Road, Gurgaon, Pin:122001		
State (राज्य) :	Haryana	Country (देश) :	India
Phone Number (फोन नंबर) :	+91-9810306699	Mobile Number (मोबाईल नंबर) :	+91-9810306699
Email-ID (ईमेल-आईडी) :	pkkohli@gmail.com		
Status (स्थिति)(Rural/Urban) :	Urban	Education Status :	Above 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):	<p>Pl treat my application EPFOG/R/E/23/01103 dt 21.01.23 as WITHDRAWN &amp; consider this instead of that</p> <p>Relates to Pension Division, Head Office</p> <p>Information relating to PENSION MATTER concerning LIFE and LIBERTY of around 50 lakh old aged pensioners across the country in larger public interest and to be provided within 48 hours of the receipt of request in compliance of proviso to Section 7(1) of the RTI Act, 2005</p> <p>Your kind attention is invited towards the following wherein it has been directed/held that RTI on pension matters is to be treated as concerning Life and Liberty and should be disposed-off within 48 hours.</p> <ol style="list-style-type: none"><li>1. EPFO HQ directive no. PID/Misc/2017/3224 dt 20/25.09.17 for treating RTIs on pension matters as concerning Life &amp; Liberty and to be disposed of within 48 hrs</li><li>2. Decision of CIC in CIC/BS/A/2016/001238 - Amrika Bai v/s PIO, EPFO, Raipur decided on 30.03.17</li><li>3. Decision of CIC in CIC/BS/A/2016/000307- V. Balaraman v/s PIO, EPFO, Trivandrum decided on 04.07.17</li><li>4. Decision of CIC in CIC/BS/C/2015/000157- V. Vaidyanathan v/s PIO, EPFO, Mumbai decided on 17.07.17</li></ol> <p>The background and details of the sought information have been attached which may be treated as a part of this application.</p>		

The sought information being time bound and of urgent nature, the same be provided to me immediately by email at my registered email PKKOHLI@GMAIL.COM followed by hard copy duly signed by speed post at my registered postal address.

It is presumed that the sought information must be available centrally at EPFO HQ and in case, it is not available centrally, please transfer my application to all the Zonal Offices & Regional Offices by transfer (under intimation to me) through this online portal, if possible (may be in parts) otherwise by email with directions for providing me the sought information immediately.

I have also deposited a sum of Rs. 320/- (Rs. Three hundred twenty only) in the bank a/c of EPFO HQ i.e., State Bank of India (IFSC Code SBIN0007755) account no. 35002108902 yesterday vide transaction number 302111761905 from my ICICI bank account in advance in r/o 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. In that case, while transferring my application, the receipt of application fee may also be kindly intimated to the ZOs & ROs so that they may not waste time, paper, money in asking for the same through registered/speed post as has been experienced in the past.

If any extra amount is still required to be paid for the sought information, please seek the same through this online portal or through an email essentially by intimating me the required bank details so that the amount could be transferred by me immediately through online mode to HQ or ZO or RO concerned as the case may be.

In view of above, please provide me the information as being sought in my attached document in r/o each Zone and each Regional Office.

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**Attachment to the RTI application dated 22.01.2023 by Parveen Kohli**

**Information relating to PENSION MATTER concerning LIFE and LIBERTY of around 50 Lakh old aged EPS,1995 pensioners across the country in larger public interest and required to be provided within 48 hours of the receipt of request in compliance of proviso to Section 7(1) of the RTI Act, 2005**

Text of this online application in the related window on the RTI portal is being re-produced for ready reference as under:

**PI treat my application EPFOG/R/E/23/01103 dt 21.01.23 as WITHDRAWN & Consider this instead of that**

**Relates to Pension Division, Head Office**

**Information relating to PENSION MATTER concerning LIFE and LIBERTY of around 50 lakh old aged pensioners across the country in larger public interest and to be provided within 48 hours of the receipt of request in compliance of proviso to Section 7(1) of the RTI Act, 2005**

Your kind attention is invited towards the following wherein it has been directed/held that RTI on pension matters is to be treated as concerning **Life and Liberty** and should be disposed-off within 48 hours.

1. EPFO HQ directive no. PID/Misc/2017/3224 dt 20/25.09.17 for treating **RTIs on pension matters as concerning Life & Liberty** and to be disposed of within 48 hrs
2. Decision of CIC in CIC/BS/A/2016/001238 - Amrika Bai v/s PIO, EPFO, Raipur decided on 30.03.17
3. Decision of CIC in CIC/BS/A/2016/000307- V. Balaraman v/s PIO, EPFO, Trivandrum decided on 04.07.17
4. Decision of CIC in CIC/BS/C/2015/000157- V. Vaidyanathan v/s PIO, EPFO, Mumbai decided on 17.07.17

The background and details of the sought information have been attached which may be treated as a part of this application.

The sought information being time bound and of urgent nature, the same be provided to me immediately by email at my registered email [PKKOHLI@GMAIL.COM](mailto:PKKOHLI@GMAIL.COM) followed by hard copy duly signed by speed post at my registered postal address.

It is presumed that the sought information must be available centrally at EPFO HQ and in case, it is not available centrally, please transfer my application to all the Zonal Offices & Regional Offices by transfer (under intimation to me) through this online portal, if possible (may be in parts) otherwise by email with directions for providing me the sought information immediately.

I have also deposited a sum of **Rs. 320/-** (Rs. Three hundred twenty only) in the bank a/c of EPFO HQ i.e., State Bank of India (IFSC Code SBIN0007755) account no. 35002108902 yesterday vide **transaction number 302111761905** from my ICICI bank account in advance in r/o 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. In that case, while transferring my application, the receipt of application fee may also be kindly intimated to the ZOs & ROs so that they may not waste time, paper, money in asking for the same through registered/speed post as has been experienced in the past.

If any extra amount is still required to be paid for the sought information, please seek the same through this online portal or through an email essentially by intimating me the required bank details so that the amount could be transferred by me immediately through online mode to HQ or ZO or RO concerned as the case may be.

In view of above, please provide me the information as being sought in my attached document in r/o each Zone and each Regional Office.

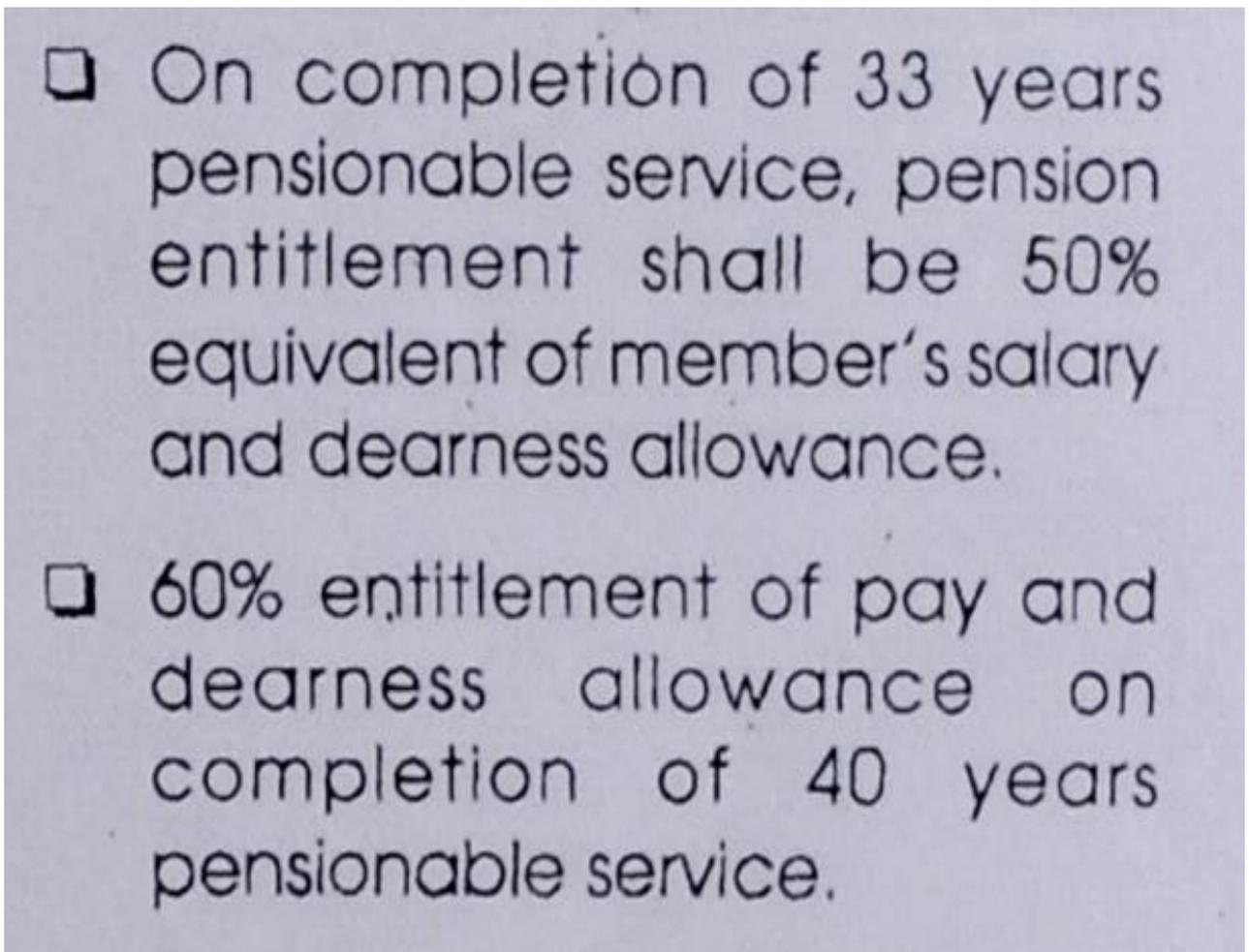
### Background

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) At sr. no. 13 of the said online form, 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.**
- (c) At sr no. 14, the Pensioners are required to indicate the **date of rejection of joint option** by EPFO.
- (d) At sr. no. 15, the pensioners are required to intimate name of the office which rejected and also to **attach a copy of the order of rejection.**

Your kind attention is also invited towards:

1. That the EPS Scheme was introduced w.e.f. 16.11.1995 vide GSR no. 748 dt. **16.11.1995** and the same was not accepted by the employees and there was litigation across the country whereafter all the cases were transferred to the Apex Court. Wide publicity had been done by EPFO by releasing very big size public notices in all the national newspapers across the country in **November 1995** wherein it was publicized as under:



2. That in **January 1996**, EPFO got published full page a public notice with FAQs in all the national dailies across the country wherein amongst the other FAQs, question & answer in r/o no. 5 was as under:

**Q.5. Are the Pensionary benefits under the proposed scheme less than the benefits enjoyed by government employees?**

**Ans:** The pensionary benefits on retirement under the new pension scheme are more than those enjoyed by the Govt employees. Pension entitlement for Govt. employees, on retirement with 33 years or more service, will be 50% of basic pay only. There will be no additional pension in the case of service period higher than 33 years. Whereas in the new pension scheme the entitlement of pension will be 50% of pay and dearness allowance for 33 years of service and the same will increase proportionately for higher service period beyond 33 years. It may go upto 60% of the pay and DA for pensionable service of 40 years.

Further, Govt. employees are eligible for pension only after rendering a minimum 20 years of service. Under the new scheme, workers become eligible for pension after rendering just ten years of service only.

While Govt. employees get DA increases on their pension under the new pension scheme, valuation is provided for to be carried out once in three years or earlier. The Govt. have since agreed to carry out this valuation annually.

3. That a new **Proviso 11(3)** had been added in the Scheme vide GSR no. 134 dt. **28.02.1996** allowing contribution on higher salary. **EPFO had neither ensured its wide publicity nor directed all the establishments to bring the same to the notice of members enabling them to take a decision in the matter.** (Cognizance of this had also been taken into by the Apex Court in RC Gupta case too)
4. That the EPS Scheme had been upheld by the Apex Court in OTIS Elevator case vide its judgment dt. **11.11.2003**
5. That EPFO HQ issued a circular no. Pen-I/SCJ/Exemp/2003/81794 dt. **05.02.2004** for implementing the aforesaid judgment dt 11.11.2003
6. That **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.**
7. That EPFO HQ issued a clarification to SRO, Visakapatnam vide letter no. Pen.4(38)/96/WB/59867 dt. 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.**

8. That without issuing any GSR or approval by CBT/MoL&E, EPFO adopted 01.12.2004 i.e., the **date of issue of said letter (01.12.2004) as the cut-off date** for contributing in Pension Scheme on higher salary. As a result, **the window for REMITTANCE of 8.33% of employers' share towards pension fund remained open only from 05.02.2004 to 01.12.2004 (about 10 months only)**. This wrong action resulted into re-start of litigation.

9. **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 and this has been intimated by EPFO to the CBT too in its 221th & 224th Meeting in the Agenda** (The window remained CLOSED as such till 2016 when the Apex Court rejected the action of EPFO as illegal & arbitrary).

10. That in violation of above directives, some of the ROs/SROs had accepted the contribution in Pension Fund on actual salary and EPFO HQ while taking its serious view, asked for all such details from all the ROs/SROs vide circular no. Pen/ Misc/2006/Vol-I/circular file/5364 dt **25.04.2006**

11. That vide circular no. Pension/Misc/2005/65836 dt. **22.11.2006**, EPFO HQ **clarified** as under:

**Regarding Para 11(3), EPFO HQ clarified that:**

**Sr. no. 2:**

**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. In fact, Para 11(3) clarifies the methodology of determination of pensionable salary ONLY**

**Since opting to contribute on higher pay to EPS means a contribution on higher pay to Provident Fund as well, Para 11(3) provision will apply to only such of those employees who have been contributing on a higher pay under Para 26(6) of the EPF Scheme, 1952**

**In all such cases where the employee has contributed over and above the statutory limit either from 16.03.1996 or from the month in which his salary exceeded the limit after having exercised his option and the same having been accepted by the office, the Pensionable Salary will be based on such salary**

12. That vide circular no. Pension/Misc/2013/Higher Salary/528 dt. **08.11.2013**, EPFO HQ once again **reiterated & clarified** regarding Para 11(3) as under:

**Sr. no. 4:**

As may be evident under EPS, there is no contribution payable separately under Para 3 of the EPS, ..... **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**

13. So, **firstly**, vide circulars dt. **22.06.2004, 01.12.2004 and 25.04.2006**, EPFO had directed all ROs not to allow contribution towards EPS Scheme on higher salary and **secondly**, vide circular dt **22.11.2006 and 08.11.2013**, EPFO HQ had **clarified that 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. In fact, Para 11(3) clarifies the methodology of determination of pensionable salary ONLY. So, from where the retirees/pensioners will fill-up the date of exercising option and to attach the rejection letter if any?**

14. That when EPFO refused to allow the members to contribute on the basis of actual salary towards Pension Fund, they started knocking the doors of the courts especially at Orissa, Andhra Pradesh, Kerala & Himachal Pradesh to name a few.

15. That detail of some of the court cases in Kerala High Court & HP High Court which **attained finality in the Supreme Court** – all were concerning the arbitrary cut-off date (01.12.2004)

adopted by EPFO where in this action of EPFO had been held to be illegal and arbitrary and hence rejected is being tabulated below. Thus, the issue had **attained finality** as pension of all the petitioners in the below tabulated cases and in all the several tagged matters had been revised after obtaining the joint option under Para 11(3) and on getting the differential amount deposited along with interest w.e.f. 16.11.1995 onwards from the retirees whether belonging to exempted or un-exempted establishments.

**Details of 10 SLPs in SC dismissed on 31.03.2016, 12.07.2016 & 04.10.2016**

SN	High Court	SLP no. & date of decision	Title	Arising out of order (WA/LPA)	Against order in WPC No.	Exempted or Unexempted
1	Kerala	7074/2014 <b>Dismissed on 31.3.2016</b>	<u>A.Majeed Kunju &amp; ors</u>	1135/2012 dt 5.3.2013	7878/2011 dt 24.2.2012	<b>Unexempted</b> Kerala State Handloom Corp
2	Kerala	7075/2014 <b>Dismissed on 31.3.2016</b>	<u>Abdul Hakkim Sherief &amp; ors</u>	1137/2012 dt 5.3.2013	15252/2011 dt 24.2.2012	<b>Unexempted</b> Kerala State Handloom Corp
3	Kerala	7076/2014 <b>Dismissed on 31.3.2016</b>	<u>M.Babu &amp; ors</u>	568/2012 dt 5.3.2013	6643/2007 dt 4.11.2011	<b>EXEMPTED</b> FACT
4	Kerala	7107/2014 <b>Dismissed on 31.3.2016</b>	<u>AK Jayappan &amp; ors</u>	569/2012 dt 5.3.2013	9929/2007 dt 4.11.2011	<b>EXEMPTED</b> FACT
5	Kerala	7108/2014 <b>Dismissed on 31.3.2016</b>	<u>PN Pillai &amp; ors</u>	1174/2012 dt 5.3.2013	13220/2007 dt 12.4.2012	<b>EXEMPTED</b> Hindustan Newsprint Ltd
6	Kerala	7224/2014 <b>Dismissed on 31.3.2016</b>	<u>S.Nazir &amp; ors</u>	1138/2012 dt 5.3.2013	15313/2011 dt 24.2.2012	<b>Unexempted</b> Kerala State Handloom Corp
7	Kerala	697/2016 <b>Dismissed on 31.3.2016</b>	<u>KJ Varkey &amp; ors</u>	1423/2014 dt 20.10.2014	167/2014 dt 4.3.2014	<b>Unexempted</b> Kerala State Handloom Corp
8	<b>Kerala</b>	<b>19954/2015</b> <b>Dismissed on 12.7.2016</b>	<b><u>Austin Joseph &amp; ors</u></b>	<b>1362/2014</b> <b>dt 17.10.2014</b>	<b>254/20104</b> <b>dt 4.3.2014</b>	<b>Unexempted</b> Kerala Financial Ent <b>ALL</b> <b>RETIRES</b>
9	HP	33032/2015 <b>Allowed on 4.10.2016</b>	<u>RC Gupta &amp; ors</u>	411/2012 dt 22.7.2015	426/2007 dt 13.3.2012	<b>Unexempted</b> HPTDC
10	HP	33033/2015 <b>Allowed on 4.10.2016</b>	HPTDC Employees Union	412/2012 dt 22.7.2015	760/2011 dt 13.3.2012	<b>Unexempted</b> HPTDC

16. That in the sr. no. 1 to 7, the employees/retirees were from exempted as well as un-exempted establishments whereas in sr. no. 8 above, all the petitioners were Pre-01.09.2014 RETIREES only
17. That the decision in sr. no. 1 to 8 of above SLPs was implemented and pension revised after obtaining joint options & recovering differential amount with interest.
18. That after the Apex Court gave its decision in all the aforesaid 10 SLPs against the arbitrary action of EPFO, a meeting of senior officers of EPFO HQ under the chairmanship of the then CPFC (Dr. VP Joy, IAS) had been held on **23.11.2016** wherein it was unanimously decided to implement the judgment in RC Gupta case and to recommend & refer the matter to Pension & EDLI committee (PEIC)

19. That a meeting of PEIC had been held under the chairmanship of the then CPFC (Dr. VP Joy, IAS) on **08.12.2016**, wherein it was noted that the stand of EPFO regarding the cut-off date had been negated/rejected by the Apex Court in all the aforementioned 10 SLPs, and as such, the matter be referred with its recommendations to the Central Board of Trustees (CBT) for approval. This was unanimously decided that the **compliance of RC Gupta judgment be made INCLUDING SUPERANNUATED CASES BY TAKING JOINT OPTION FROM THE EMPLOYEE & EMPLOYER AND TRANSFER/PAYMENT TO PENSION FUND AS PER DETAILS OF PAYABLE CONTRIBUTION WITH INTEREST.** There is a mention of aforesaid 10 SLPs in the agenda too.
20. That CBT in its 215<sup>th</sup> meeting held on **19.12.2016** approved the ABOVE recommendations of the PEIC and a **PUBLIC ANNOUNCEMENT THROUGH A PRESS RELEASE** had also been issued by MoL&E ON **19.12.2016**. There is a mention of aforesaid 10 SLPs in the agenda too. By public announcement, it was also stated that **"This will be applicable only in those case where the members/pensioners have contributed on higher wages than the statutory wage ceiling of Rs.6500/- with or without exercise of option prior to the issue of notification for increase of wage ceiling to Rs.15000/- effective from 01.09.2014."**
21. On **10.01.2017**, EPFO had submitted its proposal to MoL&E wherein the recommendations of PEIC duly approved by CBT were also forwarded for approval. There is a mention of aforesaid 10 SLPs in the proposal too.
22. On **16.03.2017**, MoL&E issued approval to EPFO to implement the same.
23. On **23.03.2017**, EPFO issued a circular for implementing the decision
24. On **21.11.2017**, the then CPFC, Dr. VP Joy, IAS issued vide no. P-1.12/33/EPS Amendment/ 96/ Vol. II/14246 dt 21.11.2017 **under his signatures** a **Status note on compliance of Hon'ble Supreme Court order in the matter of RC Gupta case to all the members of Central Board of Trustees, Minister for Labour & Employment and Secretary, Labour, GOI wherein it was clearly stated at Sr no. 3(iv) that:**

**"The directions of the Supreme Court were specific for the category of PF members who had already exercised the joint option both from the employer and employee under Para 26(6) of the EPF Scheme 1952 for contribution on actual salary but had NOT GIVEN option for contribution to the pension fund on actual salary under EPS 1995 under clause 11(3) of the EPS 1995"**.

25. Till **17.01.2020**, pension of **24,672 pre-01.09.2014 retirees** had also been revised
26. In the status note submitted by EPFO before the **CBT in its meeting 221<sup>st</sup> meeting held on 13.04.2018** (Agenda item no. 5 at pages 463-468), complete details/chart of the aforesaid 10 SLPs had been presented. Paras 10 & 11 are being reproduced below:

10. Since the matter was pending in Hon'ble Supreme Court up to 2003 and some interim orders were also passed during this period, many of the Employees who had not opted to become members of Pension Scheme were given opportunity to become members of the Pension Scheme and also to contribute on higher wages as per the provisions of Para 11(3) of Employees' Pension Scheme, 1995 through detailed instructions dated 05.02.2004 for payment of contribution.

11. Subsequently, considering the financial viability of the Employees' Pension Scheme, 1995 based on various actuarial reports till then, **the opportunity for giving option to contribute on higher wages on becoming member of the Employees' Pension Scheme was stopped in the year 2004 vide circular No. Pen 4(38)/96/WB/59867 dated 01.12.2004.** A clarificatory circular discontinuing acceptance of contributions on higher wage in Pension Fund was also issued vide communication dated **22.11.2006**

27. In the status note submitted by EPFO before the **CBT in its meeting 224th meeting held on 21.02.2019** (Agenda item no. 18 at pages 147-155), complete details/chart of the aforesaid 10 SLPs had been presented. Paras 10 & 11 are being reproduced below:

10. Since the matter was pending in Hon'ble Supreme Court up to 2003 and some interim orders were also passed during this period, many of the Employees who had not opted to become members of Pension Scheme were given opportunity to become members of the Pension Scheme and also to contribute on higher wages as per the provisions of Para 11(3) of Employees' Pension Scheme, 1995 through detailed instructions dated 05.02.2004 for payment of contribution.

11. Subsequently, considering the financial viability of the Employees' Pension Scheme, 1995 based on various actuarial reports till then, **the opportunity for giving option to contribute on higher wages on becoming member of the Employees' Pension Scheme was stopped in the year 2004 vide circular No. Pen 4(38)/96/WB/59867 dated 01.12.2004. A clarificatory circular discontinuing acceptance of contributions on higher wage in Pension Fund was also issued vide communication dated 22.11.2006**

28. That when the pension revision work of EPFO Shimla was very slow, the petitioners filed a contempt petition no. 1816-1817 of 2017 and then then CPFC (Dr. VP Joy, IAS) submitted his reply on 09.01.2018 wherein all the relevant documents dt. 23.11.2016, 08.12.2016, 19.12.2016, 10.01.2017, 16.03.2017 & 23.03.2017 (as discussed in the above paras) were annexed as R-1 to R-6 and he had submitted as under:

**Para 2.8:** (Extracts) ..... *"It is stated that besides HPTDC, there are many other similar establishments whose employers are/were contributing on full salary and eligible for revision of pension and cases of retired employees of these establishments are also being revised....."*

**Para 2.9:** (Extracts) ..... *"It is stated that in cases where member is still in service the amount is being diverted on receipt of option and in cases where the employee has retired and withdrawn their PF, in those cases, they are being asked to deposit the differential amount (the differential between the amount calculated @8.33% of the actual salary*

**Para 3.2:** (Extracts) ..... *"It is stated that in cases where members are still in service, the amount is being diverted on receipt of option and in cases where the employees have retired and withdrawn their Provident Fund, they are being asked to deposit the differential amount on actual salary, being the difference in the amount calculated @8.33% of the actual salary and the amount contributed by the employer @8.33% on the ceiling limit of Rs.6,500/- and the interest ....."*

**Para 3.13.** (Extracts) ..... *"MOL&E vide letter dated 16-03-2017 conveyed its approval to allow members of the Employees' Pension Scheme, 1995 who had contributed on higher wages exceeding the statutory wage ceiling of Rs.6,500/- in the Provident Fund to divert 8.33% of the salary exceeding Rs.6,500/- to the Pension Fund with up-to-date interest as declared under EPF Scheme, 1952 from time to time get the benefit of pension on higher salary on receipt of joint option of the Employer and Employee"*

29. That on 20.04.2018, the aforesaid Contempt Petition was dismissed **in view of the above submissions contained in the affidavit of Mr V P Joy, then CPFC**
30. Similar affidavits have been given on behalf of UOI, CPFC/EPFO and RPFC concerned in various High Courts across the country while defending different Writ Petitions during the period 2017 to April 2019

31. Copy of the Special Audit Report submitted by the special team to EPFO HQ vide no. IAP/Kanpur/Spl audit/Higher Pension/7319 dt. 16.10.2019 (provided to me vide letter dt. 29.01.2020 under RTI) concluded as under:

*“Thus, the clarification of HO is to allow pension on higher wages to the members of EPS if the following conditions are satisfied:*

- (a) They should be a member of EPF/EPS from un-exempted establishment;*
- (b) They should have exercised joint request under Para 26(6) of the EPF Scheme; and*
- (c) Contribution should have been on full salary and received in the statutory Provident Fund.”*

**INFORMATION SOUGHT**

Please provide me the following information/documents point wise dully certified in r/o all the Regional Offices, if available in Head Office otherwise by transferring my application to all ZOs & ROs:

- (a) Copy of the circular vide which ZOs & ROs were provided a copy of the GSR dt. 28.02.1996 for its implementation and publicity
- (b) Copies of intimation as given by ROs to various establishments regarding issue of GSR 134 dated 28.02.1996. **Please provide just five such copies, if forwarded to establishments under the control of the Regional Office concerned.** If the establishments were not informed, the same may be confirmed by the RO concerned.
- (c) Copies of the replies/acknowledgement/correspondence in r/o (b) above, if received by the Regional Offices from the establishments **Please provide just five such copies, if forwarded to establishments under the control of the Regional Office concerned.** If not received, the same may be confirmed by the RO concerned.
- (d) 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
- (e) Copy of any **circular(s), if issued** by EPFO HQ to ZOs & ROs 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
  - 01.09.2014 to 31.12.2022
- (f) How many Joint Option Forms (number only) exercising options under Para 11(3) for contributing in Pension Fund on their actual salary had been **RECEIVED** by the Regional Offices during the periods
  - (g) 28.02.1996 to 30.11.2004
  - (h) 01.12.2004 till 31.08.2014
  - (i) 01.09.2014 to 31.12.2022
- (j) Please provide copies of 5 such forms, if received in the each ROs (May hide the name of the person concerned)
- (k) How many Joint Option Forms (number only) exercising options under Para 11(3) for contributing in Pension Fund on their actual salary had been **REJECTED** by the Regional Offices during the periods
  - (l) 28.02.1996 to 30.11.2004
  - (m) 01.12.2004 till 31.08.2014
  - (n) 01.09.2014 to 31.12.2022
- (o) Please provide copies of 5 such forms, if REJECTED in the each ROs (May hide the name of the person concerned)

(p) Vide circulars dt. **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 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)**

(q) 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.

(r) Please intimate me the Link on EPFOs website where such a form for exercising joint option under Para 11(3) is available for downloading

(s) Please provide me a copy of the circular wherein it is stated that the joint option form signed by employee & employer is to be sent by the establishments to the RO concerned

(t) Please provide me a copy of the circular wherein it is stated that the joint option form signed by employee & employer needs approval of EPFO

**Note:** I have already deposited the application fee @Rs. 10/- for each of ZO & RO at HQ online today. It is once again requested that the additional amount, if any may be sought through RTI ONLINE Portal or through email by sharing the bank details such as name of the bank, account no., address of the bank, account name, IFSC Code etc. required for transferring the amount online.

Thanks & regards

Parveen Kohli  
9810306699



## Transfer Successful

Reference ID	302111761905
Mode	IMPS
Paid to Account	CENTRAL PROVIDENT FUND COMMISSIONER 35002108902
Amount	₹ 320
From Account	XX-XX-XX-XX-XX-51
On	21/01/2023 11:48:18
Remarks	RTI Fee Parveen Kohli

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**RTI REQUEST DETAILS (आरटीआई अनुरोध विवरण)**

Registration Number (पंजीकरण संख्या) :	EPFOG/R/E/23/01109	Date of Receipt (प्राप्ति की तारीख) :	22/01/2023
Type of Receipt (रसीद का प्रकार) :	Online Receipt	Language of Request (अनुरोध की भाषा) :	English
Name (नाम) :	Parveen Kohli	Gender (लिंग) :	Male
Address (पता) :	12 HOPE Apartments, Sector 15 (Part-2), Jharsa Road, Gurgaon, Pin:122001		
State (राज्य) :	Haryana	Country (देश) :	India
Phone Number (फोन नंबर) :	+91-9810306699	Mobile Number (मोबाईल नंबर) :	+91-9810306699
Email-ID (ईमेल-आईडी) :	pkkohli@gmail.com		
Status (स्थिति)(Rural/Urban) :	Urban	Education Status :	Above 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):	Balance application fee in r/o application no. EPFOG/R/E/23/01105 dated 22.01.2023  Dear Sir,  This is in continuation of my RTI application filed online today vide registration number EPFOG/ R/ E/ 23/ 01105 dated 22.01.2023 seeking some information under RTI Act, 2005 from HQ, all 21 ZOs & all 138 ROs of EPFO by invoking proviso to Section 7(1) of the RTI Act. The application fee of Rs. 10/- for HQ had been paid through the RTI portal itself and Rs. 320/- had been paid online by bank transfer to the SBI Bank account of EPFO HQ and its transaction receipt had also been attached with the said application. Later, it was noticed that for 159 (21 plus 138) offices Rs. 1,590/- should have been transferred instead of Rs. 320/- and as such the balance amount of Rs. 1,270/- has also been transferred in the SBI bank account of EPFO.  The final payment details are as under  1. Rs. 10/- on a/c of application fee for HQ paid on 22.01.2023 through RTI online portal itself vide SBI reference no. CPACKFNUW0 dated 22.01.2023 2. Rs. 320/- on a/c of additional (part) application fee for ZOs & ROs paid online through bank transfer vide transaction reference ID 302111761905 dated 21.01.2023 3. Rs. 1,270/- additional (balance) application fee for ZOs & ROs paid online through bank transfer vide transaction reference ID 302208667718		

dated 22.01.2023

Total application fee paid Rs. 1,600 (10 plus 320 plus 1,270)

While transferring my application to the ZOs & ROs, kindly inform to them that the total application fee pertaining to all ZOs & all ROs @ Rs. 10/- for each office has been deposited by the applicant at Head Office and they should not seek the same from me.

For your office record and ready reference, copies of the total fee paid are also being attached.

Inconvenience caused is deeply regretted

Thanks & regard  
Parveen Kohli  
9810306699

Print

Save

Close



PARVEEN KOHLI &lt;pkkohli@gmail.com&gt;

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**Balance application fee in r/o RTI application no. EPFOG/R/E/23/01105 dated 22.01.2023**

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PARVEEN KOHLI &lt;pkkohli@gmail.com&gt;

22 January 2023 at 09:52

To: nodalofficer.pid@epfindia.gov.in, "RPFC Pension,EPFO Ministry of Labour" &lt;rc.pension@epfindia.gov.in&gt;, EPFO Ministry of Labour &lt;acc.pension@epfindia.gov.in&gt;

Cc: cpfc@epfindia.gov.in

Bcc: PARVEEN KOHLI &lt;pkkohli@gmail.com&gt;

22.01.2023

Dear Sir,

This is in continuation of my RTI application filed online today vide registration number **EPFOG/ R/ E/ 23/ 01105 dated 22.01.2023** seeking some information under RTI Act, 2005 from HQ, all 21 ZOs & all 138 ROs of EPFO by invoking *proviso* to Section 7(1) of the RTI Act. The application fee of Rs. 10/- for HQ had been paid through the RTI portal itself and Rs. 320/- had been paid online by bank transfer to the SBI Bank account of EPFO HQ and its transaction receipt had also been attached with the said application. Later, it was noticed that for 159 (21+138) offices Rs. 1,590/- should have been transferred instead of Rs. 320/- and as such the balance amount of Rs. 1,270/- has also been transferred in the SBI bank account of EPFO. The final payment details are as under

1. Rs. 10/- on a/c of application fee for HQ paid on 22.01.2023 through RTI online portal itself vide **SBI reference no. CPACKFNUW0 dated 22.01.2023**
2. Rs. 320/- on a/c of additional (part) application fee for ZOs & ROs paid online through bank transfer vide **transaction reference ID 302111761905 dated 21.01.2023**
3. Rs. 1,270/- additional (balance) application fee for ZOs & ROs paid online through bank transfer vide **transaction reference ID 302208667718 dated 22.01.2023**

**Total application fee paid Rs. 1,600 (10+320+1,270)**

While transferring my application to the ZOs & ROs, kindly inform them that the total application fee pertaining to all ZOs & all ROs @Rs. 10/- for each office has been deposited by the applicant at Head Office and they should not seek the same from me.

For your office record and ready reference, copies of the total fee paid are also being attached.

Inconvenience caused is deeply regretted

Thanks & regard

Parveen Kohli  
9810306699

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**2 attachments****RTI application receipts 10+320 + 1270.pdf**

130K

**22.01.2023 RTI REVISED & MERGED - EPFO Pension.pdf**

1255K



PARVEEN KOHLI &lt;pkkohli@gmail.com&gt;

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**RTI-Online Request filed successfully.**

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**RTI-Online** <rticall-dopt@nic.in>  
Reply-To: RTI-Online <rticall-dopt@nic.in>  
To: Parveen Kohli <pkkohli@gmail.com>

22 January 2023 at 00:25

**Dear Sir/Madam,**

Your RTI Request has been filed successfully on RTI Online Portal. The following are the details:-

**Registration Number:** EPFOG/R/E/23/01105

**Name:** Parveen Kohli

**Date of Filing:** 22/01/2023

**Request filed with:** Employees Provident Fund Organisation

**Contact Details:-**

**Telephone Number:** 011-26711109

**Email Id:** [nodalofficer.pid@epfindia.gov.in](mailto:nodalofficer.pid@epfindia.gov.in)

**Payment Details:-**

**RTI Fee Received:** 10

**Payment Mode:** Internet Banking, Credit or Debit Card / RuPay Card, UPI

**SBI Reference number :** CPACKFNUW0

[Quoted text hidden]



## Transfer Successful

Reference ID	302208667718
Mode	IMPS
Paid to Account	CENTRAL PROVIDENT FUND COMMISSIONER 35002108902
Amount	₹ 1270
From Account	XX-XX-XX-XX-XX-51
On	22/01/2023 08:47:24
Remarks	RTI application no 01105 balance fee

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## Transfer Successful

Reference ID	302111761905
Mode	IMPS
Paid to Account	CENTRAL PROVIDENT FUND COMMISSIONER 35002108902
Amount	₹ 320
From Account	XX-XX-XX-XX-XX-51
On	21/01/2023 11:48:18
Remarks	RTI Fee Parveen Kohli

**Tip:** Want to share this success page with beneficiary ? Use  icon on top right.