

ENGINEERS INDIA LIMITED  
ER DIVISION



Circular No.: 25/ 2023

April 03, 2023

**Subject: Online submission of joint options for pension on higher wages**

This has reference to the Hon'ble Supreme Court Order dated 04.11.2022 on the matter of EPS' 95, various circulars issued by EIL including circular no. 16/ 2023 dated 15.02.2023 and instructions issued by EPFO vide notification no. Pension/2022/56259/16541 dated 20.02.2023.

It is informed that the methodology specified in the latest instruction of EPFO supersede EIL Circular no. 16/2023 and now **all eligible EPS-95 members/ pensioners are required to exercise the online joint option using URL provided by EPFO only** for availing pension on higher wages.

Accordingly, all eligible EPS-95 members/ pensioners are advised to exercise online joint option through unified portal (<https://unifiedportal-mem.epfindia.gov.in/>) under para 11(3) and para 11(4) of EPS, 95 **on or before 03.05.2023**.

In this regard eligible members/ pensioners intending to submit joint option may please note the following--

1. EPFO has mandated that members/ pensioners are required to attach documentary proof of compliance under Para 26 (6) of EPF Scheme.

EIL being an exempted establishment having its own PF Trust wherein PF deduction is done on the actual wages, as such provision of 26 (6) of EPF Scheme is deemed to be complied with. A certification stating deemed compliance of Para 26 (6) of EPS Scheme is enclosed as **Annexure-1**. Eligible members/ pensioners may upload the same as documentary proof of compliance under Para 26 (6) of EPF Scheme. This certificate is subject to acceptance by EPFO and any clarification/ guidelines/ circular issued by EPFO from time to time.

2. In case PF balance is insufficient for payment of proposed differential amount, which shall be decided by EPFO in due course of time, members/ pensioners are required to give an undertaking as per EPFO portal that they shall deposit the contributions along with interest due till date of payment through their last employer (this is applicable where PF account has no balance or insufficient balance). Format for undertaking is attached herewith (**Annexure-2**). All desirous members/ pensioners, opting for joint option for enhanced pension, shall submit duly signed attached undertaking on a non-judicial stamp paper of Rs. 100/-.



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3. Considering the fact that Employer has to verify and validate details of each of the opting members/ pensioners and anticipated load at EPFO website, **all are requested to submit online joint option through EPFO Portal on or before 15.04.2023** so that the same may be verified at employer's end and submitted online at EPFO portal well within the prescribed timeline i.e. on or before 03.05.2023.

All members/ pensioners may carefully read the instructions/ declarations before submitting the joint option online at EPFO Portal. They should also keep track of further circulars/ guidelines/ clarifications being issued by EPFO in due course of time.

It may be noted that submission of online joint option form does not confer any right for enhanced pension, since authority to sanction/ disburse/ revise the pension under EPS-95 Scheme is EPFO.

It is understood that the joint option being exercised through EPFO may be irrecoverable and as the computation of pension is yet to be announced by EPFO, due caution may be exercised by members/ pensioners while exercising the joint option.

  
(A. Bhowmik)  
ED (HR)  


Distribution:

EIL Website  
EIL Connect  
Retired Employee Web Portal  
Email to all EIL Users  
EIL EPF Trust

### **Certificate under Para 26(6) of the EPF Scheme**

This certificate is being issued to the beneficiary of EIL as per the requirement mandated vide EPFO communication No. Pension/2022/56259/16541 dated 20<sup>th</sup> February, 2023. As per clause 6(vii) of the communication, beneficiaries are required to submit the proof of remittance of employer's share in Provident Fund on higher wages exceeding the prevalent wage ceiling and proof of joint option under Para 26(6) of EPF Scheme.

Engineers India Limited (herein after referred to as 'EIL') is an exempted establishment in respect of Provident Fund and has been granted exemption under section 17(1)(a) of the EPF & MP Act 1952 with effect from 01.10.1977. Relevant provisions of the EIL EPF Rules are reproduced as under:

**"Rule 8. Membership of the Fund:**

- a) Every employee employed in or in connection with the work of the Company other than an excluded employee shall be entitled and required to become a member of the Fund from the date of joining the Company.
- e) Every employee shall become a member of the Fund from the date of his joining the Company provided he was previously a member of the fund in respect of exempted Company or of a fund established under the Employees' Provident Fund Scheme 1952 and he did not withdraw his provident fund accumulations.

**Rule 10. Contribution of Members:**

- a) Every member shall subscribe to the Fund every month a sum equal to 12% of the total of his monthly basic pay, D.A. and retaining allowance, if any, with effect from 22nd September, 1997.

**Rule 11. Employer's contribution to the Fund:**

- a) The employer shall not later than the fifteenth day of the succeeding month, in respect of each of the members of the fund, pay to the trustees as employer's contribution to the Fund a sum equal to the total of the member's compulsory contribution under Rule 10(a) hereinbefore.
- b) From and out of the contribution payable by the employer each month under Rule 11 above, a part of contribution representing 8.33% of the Employees pay shall be remitted by the employer to the Employee's Pension Fund within 15 days of ..... Regional Provident Fund Commissioner. Provided that where the pay of the member exceeds Rs. 6,500/- per month, the contribution payable by the Employer be limited to the amount on his pay of Rs. 6,500/- only.
- c) The contribution shall be calculated on the basis of the basic wages, dearness allowance (including the cash value of any food concession) and retaining allowance (if any) actually drawn during the whole month whether paid on weekly, fortnightly or monthly basis.

**Rule 31A(2). Statutory Provisions to have overriding effect:**

Where any provisions of rules conflicts with any provisions of the E.P.F. Scheme, 1952, the later shall always be deemed to prevail."

In line with the above EIL EPF Rules, the employer and employees have been contributing to Provident Fund on actual wages exceeding the prevalent wage ceilings of Rs. 5000/ 6500/ 15000, as the case may be, along with the administrative charges, which are being remitted on actual wages. Further, EIL is also remitting inspection charges to EPFO at prescribed rate on actual salary drawn by its employee and not on statutory PF wages. This has also been verified by the EPFO officials during annual compliance audit.

In view of the above, we hereby certify that for the purpose of 26(6) under EPF scheme of the EPF & MP Act, 1952, an employee of EIL is contributing on actual wages under EPF Scheme and this certificate may be accepted as compliance and proof towards exercise of joint option by eligible EPS-95 members of EIL under Para 26(6) of the EPF Scheme.

(A. Bhowmik)  
ED (HR) & Trustee EIL PF Trust

DG (HR)  
(Secy)  
PF Trust  
Ref



**UNDERTAKING**

*(To be executed on a non-judicial stamp paper of Rs. 100/- & notarized)*

To,

**Engineers India Limited**

**AND**

**Engineers India Limited Employees' PF Trust**

I, \_\_\_\_\_, [Son/ Daughter/ Wife] of \_\_\_\_\_, presently residing at \_\_\_\_\_, and [retired from/currently working in] Engineers India Limited as \_\_\_\_\_ here by declare and undertake as follows:

1. I have read and understood the terms of Employees Pension Scheme, 1995 ('Pension Scheme') as amended from time to time including as it was before the amendment of 2014.
2. I am aware of the Supreme Court Judgment dated 04.11.2022 (in SLP (C) Nos. 8658-8659 of 2019)
3. Pursuant to the aforesaid judgment dated 04.11.2022 and Employee Provident Fund Organisation circulars/ orders/ notifications, etc., I have exercised the joint option under para 11(3) and 11(4) of the Pension Scheme.
4. I agree and acknowledge that I will not be able to withdraw or modify my option once exercised, unless otherwise permitted by the Employees Provident Fund Organisation or the applicable law, and I will be bound by the terms of the Pension Scheme as may be notified or modified or communicated by the Employees Provident Fund Organisation from time to time.
5. I undertake and agree to make payment of the due contribution along with interest up to the date of payment with Engineers India Limited Employees' PF Trust for deposit with the Employees Provident Fund Organisation in terms of the Pension Scheme and any clarifications/ notifications/ circulars/ orders in relation thereto, including any further payments as may be required, upon demand from EPFO or Engineers India Limited Employees' PF Trust or Engineers India Limited without any delay or demur.
6. In case, where Engineers India Limited is required to make any payment on my behalf to EPFO owing to failure on my part to contribute the amount pursuant to joint option exercised by me under para 11(3) & 11(4) of the Pension Scheme, I hereby permit Engineers India Limited and/ or Engineers India Limited Employees' PF Trust to recover any due payments to the Employee Provident Fund Organisation in relation to the Pension Scheme from any dues payable to me from Engineers India Limited including PF, Gratuity, DCS, Earned Leave, medical benefits including post retirement medical benefit, or any source of funds held by the Engineers India Limited Employees' PF Trust or Engineers India Limited.

7. I will not hold Engineers India Limited or Engineers India Limited Employees' PF Trust responsible or liable in any manner whatsoever for any act, commission or omission on the part of Engineers India Limited or Engineers India Limited Employees' PF Trust in relation to my exercise of joint option under the Pension Scheme.
8. I agree that Engineers India Limited Employees' PF Trust and/ or Engineers India Limited shall be entitled to initiate appropriate proceedings against me for recovery of any amount due in relation to aforesaid.

Signature

Name of [Employee/ Retired Employee]

Employee ID.....

UAN/PPO No.....

**Witnesses :**

- |              |   |              |   |
|--------------|---|--------------|---|
| 1. Signature | : | 2. Signature | : |
| Name         | : | Name         | : |
| Mobile No    | : | Mobile No    | : |
| Address      | : | Address      | : |