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SJVN LIMITED
Corporate HR DIVISION
SHANAN, SHIMLA-6

Our Shared Vision – 5000 MW by 2023, 25000 MW by 2030 & 50000 MW by 2040

SJVN/CHQ/HR/Policy/15(30/44)/ 2023-9999

Dated: 10.02.2023

CIRCULAR

Sub: Employee Pension Scheme, 1995 – Joint Option to be exercised by Employee and Employer in pursuance to Hon'ble Supreme Court judgment.

This is in continuation to SJVN Circular No. 9930 dated 06.01.2023 and Circular No. 9943 dated 13.01.2023 vide which provident fund details had been requested from eligible employees (serving and retired) and format(s) had been notified for exercising joint option.

Provident Fund details have been compiled and tentative additional payable EPS contributions have been computed, the details of which are available on ERP ESS portal and ex-employees portal. The data is being verified/updated and discrepancies being examined/rectified by Implementation Committee and SJVN EPF Trust. The indicative methodology for enhanced contribution along with interest and resultant enhanced pension had been elaborated at Annexure-IV of SJVN Circular No. 9943 dated 13.01.2023. However, it may be noted that actual amount to be diverted/deposited to EPFO and pension payable can't be finalized as of now.

EPFO is yet to issue any format for Joint Option or any clarification/guidelines and joint option to be executed by member/pensioner and employer is to be submitted to EPFO latest by 03rd March 2023 in compliance to Hon'ble Supreme Court judgment dated 04.11.2022. In compliance and to meet the deadline, joint option forms shall be submitted to RPFC by 20.02.2023 for acceptance, in respect of employees/retirees who opt for contribution on actual salary for enhanced pension. It is emphasized that this is an advance/precautionary action in absence of any guidelines from EPFO.

Accordingly, it is once again requested that employees/members/pensioners willing to exercise joint option for contributing on higher salary to become eligible for enhanced pension may submit the duly filled joint option forms (In triplicate and in original) to Corp. Establishment Section at CHQ/concerned HR at other locations latest by **15.02.2023** as under:-

1. Option under para 11(3) (deleted) and 11(4) of these EPS, 1995 – **Annexure-I.**
2. Submission under Para 26(6) of EPF & MP Act 1952 – **Annexure-II.**
3. Form for pensioners – **Annexure-III.**

The serving employees / members shall be required to execute options by submitting – Annexure-I & II and retired employees shall be required to execute joint option by submitting Annexure-II & III.

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Corp. Establishment Section at CHQ/concerned HR at other locations shall verify and forward the option form duly filled to SJVN EPF Trust latest by 18.02.2023 for onward transmission to RPFC.

The joint option once accepted by EPFO is irrevocable and no claim for change of option can be entertained/considered under any circumstances.

Any further course of action will be intimated on acceptance of Joint Option forms by EPFO and in line with the modalities prescribed by EPFO in this regard.

It is once again reiterated that the above is applicable only for employees/ex-employees who were members of EPS-95 as on 01.09.2014.

This circular is being issued for implementation of Hon'ble Supreme Court judgment only to adhere to the time limit and shall be subject to ratification(s)/guideline(s) issued by EPFO from time to time, including refiling of the format or filing Online format as may be prescribed by EPFO.

The joint option form submitted by eligible employees does not confer any right to receive or impose any obligation upon SJVN Ltd. to pay higher pension to them.

This issues with the approval of Competent Authority.


(Shallinder Singh)
CGM / HOD (HR)

Distribution Through e-mail :

1. CMD
2. D(P)/D(F)/D(E)/CVO
3. All CEOs/HOPs/HODs/Location Incharge(s) - for information of all employees under them.
4. SJVN Intranet/SJVN Retired Employee Corner

(For serving Members)

To

The Regional P.F. Commissioner,
Regional Office, S.D.A. Complex,
Kasumpti, Shimla-171009
Himachal Pradesh

Sub:- Joint option under Para 11(3) (Now deleted) & Para 11(4) of Employees' Pension Scheme, 1995 based upon the Hon'ble Supreme Court's Order in SLP No. 8658-8659 of 2019 dated 04.11.2022.

Sir,

1. With reference to the above, I hereby opt for higher pension (Pension on full salary i.e. the salary on which EPF is deducted) under Para 11(3) OF THE EPS, 1995 & Para 11(4) as SJVN has already been contributing the employer share of EPF contribution on higher wages exceeding the statutory wage ceiling of Rs. 5000/- or 6500/- or Rs.15,000/- since my joining in SJVN Limited w.e.f.....
2. I being the member of EPS 1995, authorize the Employer (SJVN Limited) to divert 8.33% of the salary exceeding Rs.5000/- or Rs. 6500/- or Rs.15000/- to the Pension Fund from the effective date (i.e. w.e.f.....) with up to date interest as declared under EPF scheme, 1952, from time to time.
3. I also do hereby agree to contribute @ 1.16% on my salary (Pay+DA) exceeding ₹ 15,000/- p.m. from my/employer share of contribution, w,e,f, 01/09/2014 onwards.
4. I have understood all the terms and conditions governing the Higher Pension option of EPS-1995 and I am willing to abide by all the terms & conditions. I understand that the Joint option form shall be subject to acceptance by EPFO as per Rules. I further understand that the Option exercised is irrevocable at any later date, and no claim for change of Option shall be entertained or considered under any circumstances.
5. I understand that the option exercised herein is subject to EPFO instructions, and Court directions issued from time to time in this regard.

Yours faithfully,

Signature / Right or Left Hand

Thumb impression of the Employee _____

Name _____ Designation _____

EPS No. _____ UAN No. _____

Aadhaar No. _____

Place of posting _____ Project/Station _____

Emp. No. _____

Date of Option _____

Declaration by the Employer:

Accepted and recommended for affording necessary higher contribution from the employer's share of Provident Fund holdings, diverting to Employees Pension Scheme. SJVN is already paying Inspection charges on actual salary and shall comply with all statutory provisions in this regard.

SIGNATURE (with office Seal)

PERMISSION UNDER PARA 26(6) OF EPF, & MP, ACT, 52:

I _____ S/o _____ Account
No: _____ employee of SJVN Limited is drawing more than Rs. 5000/-
w.e.f.16.11.1995 and Rs. 6500/-w.e.f.01.06.2001 and Rs. 15000/- w.e.f.01.09.2014.
I therefore request your good office that I may be permitted to contribute to the fund on my actual pay
w.e.f.16.11.1995 or _____(DOJ).

SIGNATURE OF THE APPLICANT

UNDERTAKING ON BEHALF OF THE EMPLOYER

I _____ an authorized signatory of SJVN Limited undertake that in the event
of allowing aforesaid applicant to contribute on actual pay which is more than Rs. 5000/-w.e.f.16.11.1995
and Rs. 6500/-w.e.f.01.06.2001 and Rs. 15000/- w.e.f.01.09.2014, SJVN will contribute to his account
contributions towards EPS, EDLI, EPF, Administrative/Inspection charges as per actual pay and comply
with all statutory levies of the said act and the scheme framed thereunder.

SIGNATURE (with office Seal)

FOR USE OF COMMISSIONER OFFICE

Dated:

I _____ Regional Provident Fund Commissioner Shimla in exercise of powers
conferred under Para 26(6) of the EPF, & MP. Act, 1952 hereby permit the member to contribute to the
fund on wages exceeding Rs. 5000/-w.e.f.16.11.1995 and Rs. 6500/-w.e.f.01.06.2001 and Rs. 15000/-
w.e.f.01.09.2014.

REGIONAL P.F. COMMISSIONER

M/s _____
Copy:-

- 1) Employees Personal File
- 2) SJVN EPF Trust

(For EPFO pensioner)

Application by Pensioners for revision of pension under the Employees' Pension Scheme 1995 on actual (Higher) wages exceeding the wage limit of Rs. 5000/- or Rs. 6500/- or Rs.15000/- per month.

| | | |
|---|---|--|
| 1 | Name of Pensioner | |
| 2 | PPO NO. with EPFO Branch address | |
| 3 | EPF A/c No. | |
| 4 | Name of Pension disbursing Bank & Branch with IFSC Code | |
| 5 | Bank A/c No. | |
| 6 | Mobile No. | |
| 7 | Aadhaar No. | |
| 8 | UAN No. | |

Declaration by Pensioner

I, _____ am a pensioner under the Employees' Pension Scheme, 1995 drawing monthly pension with effect from _____. I am a retired employee of SJVN Ltd. retired from _____ and was drawing salary more than of Rs. 5000/- or Rs.6500/- or Rs.15000/- per month and my employer had deposited 12% of my actual salary (above the statutory wage ceiling) as employer's share of the EPF contribution, on the basis of joint option executed by me and my employer, under Paragraph 26(6) of the Employees' Provident Funds Scheme.

I understand that I am eligible for pension on my actual salary and therefore I may be permitted to remit the amount due to the Pension Fund to become eligible for pension on my actual salary and I undertake to remit the amount (including up to date interest) and additional contribution @ 1.16% as calculated by the office of the Regional Provident Fund Commissioner.

I understand that the joint option form shall be subject to acceptance by EPFO as per Rules.

I understand that the option exercised herein is subject to EPFO instructions and Court directions issued from time to time in this regard.

Place:

(Signature)

Date:

(Name and Address)

Undertaking by the Employer

I, _____ (Name and Designation) being the authorized signatory of SJVN Limited _____ do hereby certify that Mr./Mrs. _____ Who is the holder of PPO No. _____ was an employee of this establishment with PF A/c No. _____. During his/her service, we as the employer's have contributed the employer's share of provident Fund contribution on his actual salary, without break, as per the terms of paragraph 26(6) of the Employees' Provident Funds Scheme. Certified details of monthly contribution alongwith other document in respect of the said individual w.e.f.16.11.1995/to the date of exit is forwarded herewith for further necessary action by the Regional Provident Fund Commissioner.

I certify that the particulars furnished are correct as per the records available.

Place:

Date:

(Name and Address)