

HSCC (India) Ltd.
(A Subsidiary of NBCC (India) Ltd.)
(A Government of India Enterprise)

HSCC/EPS-95/2023

05th April 2023

CIRCULAR - 02

Sub: Submission of Joint Option Form under Para 11 (3) and Para 11(4) of Employees Pension Scheme as per Hon'ble Supreme Court judgement dated 04th November 2022 in SLP No. 8658-8659 of 2019.

Ref:- Circular No HSCC/EPS-95/2023, dated 14th February 2023

This is with reference to our circular dated 14th February 2023 on the above subject.

- (1) EPFO has released a circular no. Pension/2022/56259/16541 dated 20th February, 2023 (copy enclosed) according to which the eligible EPS'95 members need to apply to the concerned EPFO Regional Office in the form and manner to be specified by them. Further, a facility, for exercising the joint option is provided by EPFO for which URL is provided by them and the option will have to be exercised upto 3rd May, 2023. All eligible employees can submit their joint option form through the following path in EPFO website:-

www.epfindia.in ⇒ Services ⇒ for Employees ⇒ Member UAN / Online Services (OCS/OTCP) ⇒ Important Links ⇒ Pension on Higher Salary:

Exercise of joint option under para 11(3) and para 11 (4) of EPS 95 on or before 3rd May, 2023.

The same can also be accessed directly through the following link:-

<https://unifiedportal-mem.epfindia.gov.in/memberInterfacePohw/>

Exercise of joint option for the Employees who were in service prior to 01.09.2014 and continued to the in service on or after 01.09.2014 but could not exercise joint option under erstwhile provision to para 11 (3) of EPS 1995.

- (2) The instructions explaining submission of Joint Option Form on EPFO website is enclosed as **Annexure – A** for ready reference.
- (3) **It may be noted that interested Employees of HSCC (India) Ltd. has already submitted their physical "Joint Option Forms" to HSCC (INDIA) Ltd. However as per the EPFO circular no. Pension/2022/56259/16541 dated 20th February, 2023 the eligible EPS'95 members need to exercise their joint option for higher pension through the URL link provided by EPFO on their website only. Hence all eligible employees need mandatorily to submit the joint option form through the link as provided by EPFO on their website.**
- (4) The above circular also mentioned that method of deposit and method of computation of pension will be shared by them through subsequent circular. Till date no further circular has been issued by EPFO.

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- (5) Further the circular mentioned that for exempted trusts like HSCC (India) Ltd., an undertaking of trustee will be required to deposit the amount as sought by EPFO, in the specified period. In view of this, it may be noted that those EPS members who would be required to make full / partial lumpsum payment from their own sources shall make arrangement of funds and remit the amount in the manner that will be notified later. For EPS members, whose funds are still with the HSCC Employees Provident Fund Trust the contribution amount will be transferred to EPFO without further reference to them.
- (6) EPFO has sought following documents to be uploaded while submitting the joint option form online their website.
- (a) Permission letter under Para 26 (6) of EPFO scheme (PDF file of size 250 kb is allowed). A copy of compliance to the Para 26 (6) of the EPF Scheme 1952 is enclosed as **Annexure – B**.
- (b) Undertaking from the members to deposit the contribution along with interest due till date of payment through his / her last employer (PDF file of size 250 KB is allowed). The undertaking format is enclosed as **Annexure – C** which is to be uploaded.
- (7) Further, it is also submitted that members opting for "Joint Option Form" should carefully read the declaration / undertakings given by them, which are available while submitting online option form and also subject to any further circulars and clarifications as provided by EPFO.
- (8) As per the EPFO website, last date of exercising the joint option has been extended up to **03rd May, 2023**. However, after exercising of the option for availing pension on higher wages by the eligible EPS'95 members, employer (HSCC) has to verify and validate details in respect of each option member and considering the quantum of work involved at HSCC end as well as the anticipated heavy load on EPFO website / URL, this exercise would require considerable time. Hence EPS'95 members, willing to exercise the option, are advised to submit their option by the 20th April, 2023 giving HSCC sufficient time for further procedural formalities.

Disclaimer: This circular is in continuation of this office circular dated 14th February 2023 and EPFO circular dated 20th Feb 2023. This circular is being issued to notify our employee /ex-employee who are eligible to apply through EPFO portal online for higher pension.' The Annexure - B attached with this circular is clarification on operation of 26 (6) and compliance of EPF Scheme 1952 as a permitted exempted establishment under law. However, the joint option submitted by eligible employees does not confer any right to receive or obligation upon HSCC (India) ltd. to pay higher pension to them.


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<https://unifiedportal-mem.epfindia.gov.in/memberinterface/>
(link also given in the Circular dated 05.04.2023 above)

← → ↻ 🔒 unifiedportal-mem.epfindia.gov.in/memberinterface/ 🔍 🌐 ☆ 🏠 👤 ⋮

EMPLOYEES' PROVIDENT FUND ORGANISATION, INDIA
MINISTRY OF LABOUR & EMPLOYMENT, GOVERNMENT OF INDIA

Universal Account Number (UAN)
MEMBER e-SEWA


भारत 2023 INDIA
वसुधैव कुटुम्बकम्
ONE EARTH • ONE FAMILY • ONE FUTURE

UAN
Password
EP 2 M
Captcha

Forgot Password ?

Dear EPF Members !!

No last date is declared by EPFO for filing

🔗 Important notice about Aadhaar linking. [Click here.](#) 📄
🔗 Benefits for Unorganised workers registering on eSHRAM portal. [Click here](#) 📄
🔗 Kind attention Members. Now Aadhaar is mandatory for filing ECR. 📄
🔗 Important notice about EDLI. [Click here to read.](#) 📄
🔗 Important notice about Bank Account Linking with UAN. [Click here to read](#) 📄
🚨 EPFO NEVER ASKS YOU TO SHARE YOUR PERSONAL DETAILS LIKE AADHAAR, PAN, BANK DETAILS ETC OVER PHONE.
🚨 EPFO NEVER CALLS ANY MEMBER TO DEPOSIT ANY AMOUNT IN ANY BANK.
🚨 PLEASE DO NOT RESPOND TO SUCH CALLS.

Benefits of Registration

- ▶ Download/Print your Updated Passbook anytime.
- ▶ Download/ Print your UAN Card.
- ▶ Update your KYC information.

Click Here

Important Links

- 🔗 Pension on Higher Salary: Exercise of Joint Option under para 11(3) and para 11(4) of EPS-1995 on or before 3rd May 2023 **NEW**
- 🔗 Pension on Higher Salary: Online application for validation of Joint Option
- 🔗 Activate UAN
- 🔗 Know your UAN
- 🔗 Direct UAN Allotment by Employees
- 🔗 Death claim filing by beneficiary
- 🔗 UAN Allotment for Existing PF



Exercise of joint option for the Employees who were in service prior to 01.09.2014 and continued to be in service on or after 01.09.2014 but could not exercise joint option under erstwhile proviso to para 11(3) of EPS-1995



[Click Here](#)



Click Here

INSTRUCTIONS FOR UAN BASED

- 1. The following information being entered should be as per EPFO records
 1. UAN of member
 2. Member's Aadhaar number, Name and Date of birth should be as available in EPFO records.
- 2. Member should have a valid Aadhaar linked mobile number which is as per UIDAI records.



Registration request for exercising of Joint options under para 11(3) and 11(4) of EPS-1995

Home

1
GET AUTHORIZATION
PIN

2
VALIDATE USER

3
SUBMIT APPLICATION

4

ENTER UAN NO

UAN *

Enter UAN

ENTER NAME AS PER UAN

Name *

Enter Name

Date of Birth *

DD/MM/YYYY

ENTER DOB AS PER UAN

AADHAAR *

Enter Aadhaar

ENTER AADHAAR NO

Aadhaar Linked Mobile Number *

Enter Aadhaar linked mobile

ENTER AADHAAR LINKED MOBILE NO

6 K P n J

Captcha *

Enter Captcha

I hereby give my consent for OTP based Aadhar authentication for establishing my identity for the purpose of exercising joint option under para 11 (3) and 11 (4) of EPS, scheme.

मैं ईपीएस योजना के पैरा 11(3) और 11(4) के तहत संयुक्त विकल्प के सत्यापन के उद्देश्य से अपनी पहचान स्थापित करने के लिए ओटीपी आधारित आधार प्रमाणीकरण के लिए अपनी सहमति देता हूँ।

CLICK HERE FOR OTP

Get OTP

Cancel



An OTP has been sent on your Aadhaar linked mobile : *****3970

UAN 100398325905

Name

Date of Birth 09/05/1973

AADHAAR XXXX XXXX 5392

Aadhaar Linked Mobile Number XXX XXX 3970

Enter OTP*

ENTER OTP ←

[Validate OTP](#)

[Cancel](#)



Registration request for exercising of Joint options under para 11(3) and 11(4) of EPS-1995

Home



Pension On Higher Wages Application Form

Joint Option Form

[From the Employees who were in service prior to 01.09.2014 and continued to be in service on or after 01.09.2014 but could not exercise joint option under erstwhile proviso to para 11(3) of EPS-1995].

To be exercised by eligible members of EPS-1995 on or before 03rd May, 2023 in accordance with para 44(iv) read with Para 44(v) of the order dated 4.11.2022 of the Hon'ble Supreme Court in SLP No. 8658-8659 of 2019.

Disclaimer

I have gone through Supreme Court Judgement dated 04.11.2022 in SLP (C) No.8658-8659 of 2019 and I am registering this joint option in terms of directions contained in the said judgement. I undertake that the pension will be calculated subject to formula determined under the Scheme for this purpose.

Tick the Disclaimer

UAN Details

UAN	100000000000	AADHAAR	xxxx xxxx xxxx
Name	XXXXXXXXXXXXXX	Date Of Birth	00/00/0000
Gender	FEMALE	Father's/Spouse Name	XXXXXXXXXXXXXXXXXX
Aadhaar Linked Mobile Number	1234567890	PPO Number (if any)	N.A.
PPO Date	N.A.	EPFO Regional Office by which PPO was issued	N.A.

Service Details

Member ID *	DOJ FPS	DOE FPS	DOJ EPS	DOE EPS	
TNAM80000000000000000000	DD/MM/YYYY	DD/MM/YYYY	11/11/2001	11/11/2001	

Add Row

**In case of previous Organization Service Details to be added,
Click on Add Row and Fill the required details**

May upload the Certificate issued in lieu of permission under para 26(6) of EPF Scheme

Joint Option & Contribution Details

Whether employer's contribution was received on wages exceeding statutory wage ceiling of ₹5000 in EPF prior to 01.06.2001 from the day his salary exceeded ₹5000? (applicable only if date of joining is prior to 01.06.2001) * Yes No

Please attach permission under para 26(6) of EPF Scheme. * Only PDF file of size 250 KB is allowed.

No file chosen

Whether Employer's contribution was received on wages exceeding statutory wage ceiling of ₹6500 in EPF prior to 01.09.2014 from the day his salary exceeded ₹6500? (applicable only if date of exit is on or after 01.06.2001) * Yes No

Please attach permission under para 26(6) of EPF Scheme. * Only PDF file of size 250 KB is allowed.

No file chosen

Whether member wants to use accumulation available in his / her PF account for payment of due contribution for this option? * Yes No

How much is the PF account balance on the date of filing option? *

Please upload relevant documentary proof such as Account Slip / pages of the Passbook etc. * Only PDF file of size 250 KB is allowed.

No file chosen

Whether member is giving undertaking to deposit the contributions along with interest due till date of payment through his last employer [only when PF account has no/insufficient balance]? * Yes No

Please upload relevant documentary proof * Only PDF file of size upto 250 KB is allowed.

No file chosen

May upload the annual CPF Statement for the year 2021-22

May upload the undertaking as per format issued with Circular

Declaration

1. I hereby declare that I have read and understood the Judgement in SLP (C) No.8658- 8659 of 2019 dated 04-11-2022 of the Hon'ble Supreme Court and I am exercising this joint option in terms of the directions contained in the said judgement.

2. I understand and agree that as a member of the Employees' Pension Scheme, my rights to claim pension are limited to the scope of judgement and within the EPF & MP Act, 1952 and the Schemes framed thereunder.
3. I further understand that the Central Government is empowered to amend the scheme as it may deem fit.
4. I do hereby agree that the details of contribution and interest given by my employers are essential for the computation of dues payable for this application, and this is the full and final submission.
5. I hereby undertake that the service details in the above form are correct and no material fact has been misrepresented or hidden by me.
6. I hereby agree to pay due contribution in a single tranche as specified by EPFO, along with interest at rates declared under Para 60 of EPF Scheme 1952 or at the rate declared by the concerned trust of such establishment, from time to time, whichever is higher, if any.
7. I hereby jointly opt along with my employer to pay full amount of contribution on salary exceeding wage ceiling under erstwhile para 11(3) (since deleted) and Para 11(4) of EPS 95 along with interest up to the last date of the month in which payment is made, in accordance with the judgement dated 04.11.2022 of the Hon'ble Supreme Court through my last employer within such period as may be directed by EPFO after verification of my joint option. If the full amount payable is not deposited by my last employer within such period as may be directed by EPFO after verification of my joint option, this joint option shall be liable to be treated as Null and Void.



concerned trust of such establishment, from time to time, whichever is higher, if any.

7. I hereby jointly opt along with my employer to pay full amount of contribution on salary exceeding wage ceiling under erstwhile para 11(3) (since deleted) and Para 11(4) of EPS 95 along

within such period as may be directed by EPFO after verification of my joint option. If the full amount payable is not deposited by my last employer within such period as may be directed by EPFO after verification of my joint option, this joint option shall be liable to be treated as Null and Void.

8. I undertake that all the facts are true. If the details submitted by me or my employer are found to be incorrect at any point of time, this joint option shall be treated as Null and Void.

9. I am aware that in case of false declaration and wilful mis-representation, appropriate penal action may be taken by EPFO against me.

Place *

I agree.



Captcha*

ENTER CAPTCHA

**CLICK HERE
SAVE AS DRAFT**

Save As Draft

Submit Application

**CLICK HERE
SUBMIT APPLICATION**

After Submitting Application please Save the Acknowledgement Number for future Reference

Annexure- B

Date: 05th April 2023

Permission under Paragraph 26(6) of EPF Scheme, 1952

Declaration-Cum-Undertaking by the Employer / Establishment

This certificate is being issued to the employees complying with the requirement mandated vide EPFO circular No. Pension/2022/56259/15541 dated 20th February, 2023 for online submission of Joint Option Form provided in EPFO website. As per clause 6 (vii) of this circular, employees are required to submit the proof of remittance of employer's share in Provident Fund on higher wages exceeding the prevalent wage ceiling of 5,000/6,500 and proof of joint option under Para 26(6) of EPF Scheme duly verified by the employer.

The HSCC (India) Ltd. has HSCC Employees PF Trust (Establishment ID – **DSSHD0007635000**) (the Trust). The trust was granted exemption u/s 17(1) (a) of the Employees Provident Fund Act 1952 vide relaxation Order no. E/DL/7635/(Relaxed)/3574 dated 22nd February 1996 by the **RPFC, Delhi** and Ministry of Labour and Employment granted exemption vide Gazette Notification No. S.O. 2687 dated 15th September 2009 and the trust is functioning as per the rules from time to time.

In accordance with para 2 the above Gazette Notification the rules of the HSCC EPF Trust with respect to the rates of contribution or other provisions should not be less favourable to employees than those specified in section 6 of the EPF Scheme 1952. The following rules have been framed w.r.t. the Members Contribution, Rate of Contribution & Employers Contribution respectively which are in line with section 29 of EPF scheme 1952.

Rule 39 Member's Contribution: Every member shall subscribe monthly to the fund when on duty or foreign Service but not during a period of suspension.

Rule 40 Rate of Contribution: (1) The contribution shall be calculated on the basis of the basic wages, dearness allowance (including the cash value of any food concession), amount of leave encashment (except leave encashment on separation) and retaining allowance (if any) actually drawn during the whole month whether paid on daily, weekly, fortnightly, or monthly basis. (2) The rate of contribution shall be not less than 12% of emoluments stated in sub rule (1).

Rule 41 Employer's Contribution: (1) The corporation shall make contribution each month to the amount of every member and shall transfer the same to the Board of Trustee along-with the members contribution by the 15th of each month following the month in which contributions are payable. (2) The contribution shall be 12% of the basic wages, dearness allowance (including the cash value of any food concession) and retaining allowance (if any) payable to each employee to whom these rules apply drawn on duty during the year or period as the case may be.

The establishment is complying with the Rule 39, 40 & 41 of the Trust, and provident fund contribution of the members has been deducted at 12% of actual wages (Basic + D.A.) drawn by them and credited to their respective PF accounts. Equally Employer's contribution at 12% on actual wages/ salaries also credited to their accounts.

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It may be appreciated that HSCC EPF Trust is an exempted establishment under section 17(1)(a) of the EPF scheme 1952 and the PF rules framed there under (interalia rule 39,40 & 41) have been approved by EPF authorities before grant of exemption to the trust. Since as per these rules each member has to contribute to the PF on its full salary, the permission under section 26(6) should be constructed to be deemed **granted. A similar view has been taken by Zonal office (HR&RJ), EPFO, Faridabad in case of M/s Hindustan Copper Ltd. Vide letter no. ACC / HR&RJ / Amendments / (Compliance) / 374/ 1108 dated 03-01-2013.**

It is submitted that HSCC EPF Trust is filing monthly returns as per Para 3 of relaxation Order no. E/DL/7635/(Relaxed)/3574 dated 22nd February 1996 with EPFO authorities. In the said returns the trust is mentioning 12% contribution on actual wages / salaries on which the trust has never received any objection from the EPFO authorities. Also, the trust is depositing inspection charges @ 0.18% (or applicable rate) on the actual Basic plus D.A. on monthly basis in ECR which is duly accepted by your good office. The accounts of the trust are duly audited by **RPFC, Delhi** from time to time.

In view of the above, the provisions of para 26(6) of the EPF Scheme, 1952 have been complied with the establishment i.e. HSCC (India) Ltd. and its employees. It is being further hereby declared and undertaken by HSCC (India) Ltd. on behalf of both employee and employer/establishment, that if the EPFO/RPFC/APFC desires any specific joint request in writing under Paragraph 26 (6) of the scheme, the same shall be complied with.

(_____)

Secretary, HSCC EPF Trust

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Annexure – C

05th April 2023

Undertaking

I, _____, my Emp. No. _____, UAN _____, EPS Member DSSHD0007635000/ _____, PPO No. _____, worked /working in HSCC (INDIA) Ltd. do hereby solemnly affirm and state as follows:

- 1) I hereby declare that I have read and understood the judgment in SLP (C) No. 8658-8659 of 2019 dated 04-11-2022 of the Hon'ble Supreme Court and I am exercising this joint option in terms of the directions contained in the said judgment.
- 2) I understand and agree that as a member of the Employees' Pension Scheme, my rights to claim pension are limited to the scope of judgment and within the EPF & MP Act, 1952 and the Schemes framed there under.
- 3) I further understand that the Central Government is empowered to amend the scheme as it may deem fit.
- 4) I do hereby agree that the details of contribution and interest given by my employers are essential for the computation of dues payable for this application, and this is the full and final submission.
- 5) I hereby undertake that the service details in the above form are correct and no material fact has been misrepresented or hidden by me.
- 6) I hereby agree to pay due contribution in a single tranche as specified by EPFO, along with interest at rates declared under PARA 60 of EPF Scheme, 1952 or at the rate declared by the concerned trust of the such establishment, from time to time, whichever is higher, if any.
- 7) I hereby jointly opt along with my employer to pay full amount of contribution on salary exceeding wage ceiling under erstwhile Para 11(3) (since deleted) and Para 11(4) of EPS 95 along with the interest upto the last date of the month in which payment is made, in accordance with judgement dated 04.11.2022 of the Hon'ble Supreme Court through my last employer within such period as may be directed by EPFO after verification of my joint option. If the full amount payable is not deposited by my last employer within such period as may be directed by EPFO after verification of my joint option, this joint option shall be liable to be treated as Null and Void.
- 8) I undertake that all the facts are true. If the details submitted by me or my employer are found to be incorrect at any point of time, this joint option shall be treated as Null and Void.
- 9) I am aware that in case of false declaration and wilful Mis-representation, appropriate penal action may be taken by EPFO against me.

Place :

Signature : _____

Date :

Name: _____

Address : _____

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