

(Format for employee retired after 01.09.2014)

JOINT OPTION UNDER ERSTWHILE Para 11(3) & PARA 11(4)  
OF EMPLOYEES PENSION SCHEME 1995

To  
Regional Provident Fund  
Commissioner, Employees  
Provident Fund  
Organization,  
Delhi/New-Delhi

Sub.: Joint option under Para 11(3) and Para 11(4) of Employees' Pension Scheme, 1995 based upon the Hon'ble Supreme Court's Order in C.A. No. 008143 - 008144 / 2022 Titled EPFO vs Sunil Kumar pronounced on 04.11.2022 and WP(C) 1134/2018.

Reference is invited towards Para 43 and Para 44(iv) of the aforesaid judgement dt. 04.11.2022 of Hon'ble Supreme Court of India, in the above cited Civil Appeal/Writ Petition (Civil) wherein the eligible employee and his/her employer are required to submit a joint option under erstwhile Para 11(3) & Para 11(4) of the EPS'95 within a period of 4 months from the date of judgement.

Since no format for the Joint Option has been provided by EPFO (also not available on EPFO's website), based on similar formats issued by various ROs in the year 2017 & 2018 while implementing the RC Gupta judgement; in order to comply with the above requirement, we (employee and employer) are, hereby submitting the joint option form as required under erstwhile Para 11(3) & Para 11(4) of Employees' Pension Scheme-1995 for claiming pension on actual salary instead of ceiling salary limit of Rs. 15,000/-.

Particulars of the employee are as under

1.	Name & designation of Retired employee	
2.	EPF A/C No.	
3.	UAN Number	
4.	PPO No.	
5.	Mobile No.	
6.	Aadhaar No.	
7.	Date of retirement (on attaining 58 years)	

DECLARATION BY RETIREE/EMPLOYEE

It is certified that immediately after joining, Delhi Tourism and Transportation Development Corporation Ltd., I had been contributing towards the Provident Fund on my actual salary/wages and an equal amount used to be contributed in my PF by the employer also as provided under Para 26(6) of EPF Scheme, 1952. It is to further certify that an amount @8.33% of the statutory ceiling amount i.e., Rs. 15,000 (earlier Rs. 5,000/ 6,500) out of the Employer's contribution had been remitted every month towards Employees' Pension Scheme, 1995 since 16.11.1995 onwards.

I, do hereby opt for diverting 8.33% of my actual salary/wages out of employer's contribution towards Pension Fund (after adjusting the amount already diverted in EPS'95 on ceiling wages) from the date of joining the EPS'95 till my attaining the age of 58 years/VRS/resignation, Since I have already withdrawn the entire Provident Fund on my retirement/VRS/resignation, I am ready to return the differential amount that I had taken/withdrawn after my exit/retirement thus making me eligible for drawing Pension on the basis of average of last 60 months salary/wages as Pensionable salary/wages i.e.,

based on my Actual salary/wages instead of being based on the statutory limit.

That I retired on attaining age of 58 years for the purpose of EPS 1995 after 1.9.2014 on.  
I also undertake that if any other legal formality is required in this regard, I am ready to do accordingly.

Place: -----

Date: -----

Signature: -----

Name: -----

Address: -----  
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### UNDERTAKING BY THE EMPLOYER

I, \_\_\_\_\_ (Name and Designation) being the authorized signatory on behalf of Delhi Tourism and Transportation Development Corporation Ltd. do hereby certify that Mr./Ms \_\_\_\_\_ was working with us as \_\_\_\_\_ and has retired on attaining age of 58 years/taken VRS/resigned on \_\_\_\_\_. His/Her EPF A/c No. is \_\_\_\_\_.

He/She had been contributing towards Provident Fund on his/her actual salary/wages, as per the terms of Para 25(6) of the EPF Scheme 1952. Equal share had been contributed by this establishment too. This establishment has no objection if he/she deposits/returns the due differential amount @ 8.33% of the employers share w.e.f. 16.11.1995 i.e. from the date of commencement of the Scheme or when his/her salary/wages exceeded the statutory limit, along with due interest as declared under EPF Scheme, 1952 from time to time, thus making him/her eligible for drawing pension on the basis of Pensionable salary based on his/her actual salary/wages, instead of on the statutory limit as per erstwhile Para 14(3) & Para 11(4) of the EPS'95 Scheme as permitted to do so by the aforesaid order of Supreme Court dated 04.11.2022.

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

Place:

Date:

(Signature of authorized signatory  
with official seal)