



No : - NH/CO/IR:250/EPS-95/2023

Date: 14/02/2023

CIRCULAR - 54/ 2022 (EPS OPTION)

This is in continuation to Corporate HR circular No. 47/2022 dated 30.11.2022 for implementing Hon'ble Supreme Court Judgment Dated 04.11.2022 in respect of Employee Pension Scheme (EPS) 1995 in Civil Appeal No 8143-8144 of 2022 arising out of the SLP (C) Nos. 8658-8659 of 2019 in the EFFO and Another Vs. Sunil Kumar B and others.

Although, the eligibility of the employees (active / superannuated etc) for enhanced pension shall be subject to / regulated as per the guidelines to be issued by EPFO in this regard. Notwithstanding the above, it is ample clear from the verdict that the Hon'ble Court has decided the applicability to the employees of the exempted establishments in the same manner as the scheme applies to the employees of un-exempted or regular establishment. As per the ibid judgement, Joint Option has to be exercised by members & pensioners, *within extended time period of four months* and accordingly submitted to EPFO latest by 3rd March 2023.

Joint Option Format or any circular / clarification / guidelines / directives in this regard by EPFO are still awaited. NHPC has taken up the said issue with EPFO Headquarters for the same. Hence, it may be noted that arrears to be paid and pension payable cannot be ascertained as of now. As a precautionary compliance & to meet the deadline as stated in the Judgement, it has been decided to submit Joint Option form to RPFCS for those employees and ex-employees who are willing to opt for enhanced pension and deposit the difference of contribution. .

As already informed, for necessary preparedness / readiness, Basic Pay /salary data is displayed on ESS & Ex-employee portal for concerned employee/ex-employees for verification of data vide Finance Circular No 516 Dated 03.01.2023. Discrepancies pointed are being examined / rectified.

Accordingly, Joint Option format(s) for eligible (*"The members of the EPS, 1995, who did not exercised option to contribute on salary exceeding wage ceiling as contemplated in the proviso to pre-amended paragraph 11 (3) of EPS, 1995, would be entitled to exercise joint options under paragraph 11 (4) of the post amended scheme within extended time period of four months provided rest of the requirements as per the amended provision are complied with"*) serving members(s) and for superannuated employee(s) (attained 58 years of age as on 1st September 2014 or after) separately for executives and non-executives are attached herewith as annexures Annexure -I & II.

The same may be downloaded / applied online from Sahaj Sewa/ex-employee portal by employee/separated employee and filled up format in original in triplicate may be submitted. The joint option format should be complete in all respect. Format not duly completely filled in shall liable to be rejected.

In case of **superannuated employees** the formats (ANNEXURE- I) may be submitted through NHPC Ex-employee portal and / or submit the hard copy to Dy. Manager (HR)-IR Section, HR Division, NHPC Limited Corporate Office, Sector – 33, Faridabad – 121003 (Haryana). **Superannuated employees who are unable to access NHPC Ex-employee portal** shall send a duly signed scanned copy of completely filled joint option form at hreps95@nhpc.nic.in and send the original in triplicate by post to Dy. Manager (HR)- IR Section, HR Division, NHPC Limited Corporate Office, Sector – 33, Faridabad – 121003 (Haryana), so that it should reach on



or before 28.02.2023.. While sending the e-mail, superannuated employees should clearly mention –Joint Option Form, Employee Number and Format Number in the subject matter.

Serving employee of all the ERP locations shall submit their options format (ANNEXURE-II) through Sahaj Sewa only by 25.02.2023 and send hard copy in triplicate of the print-out duly signed to Dy. Manager (HR) - IR Section, HR Division, and Corporate Office through their respective HR Division of the Units. **Serving employee of all the Non-ERP locations** shall submit a duly signed scanned copy of completely filled joint option form at hreps95@nhpc.nic.in and send the original in triplicate by post to Dy. Manager (HR)- IR Section, HR Division, NHPC Limited Corporate Office, Sector – 33, Faridabad – 121003 (Haryana).

Forms to be filled up by serving /superannuated employees are as under:

SI No	Form No	Category
1	Annexure-I	Superannuated Executives / Non-executives
2	Annexure-II	Serving Executives / Non-executives

General Conditions:

1. The above is applicable only for employees/ex-employees who were existing members as per EPS-1995 as on 1st September 2014.
2. The members who have attained 58 years on 31.08.2014 are not eligible for the application of joint options.
3. The format will be available for applying through Sahaj Sewa / NHPC website from **10.00 AM on 15.02.2023 (Wednesday)**.

4. Path on Internet / Intranet

- (i) For Superannuated Employee / Ex-Employees:

www.nhpcindia.com → Employee Corner → Ex-Employee →
NHPC Intra View → login using REHS Credential → Option For EPS 95

- (ii) For Serving Employee (**for ERP Locations**)

SAHAJ SEWA → Utilities → Finance → EPS 95 → Option for EPS 95

- (iii) For Serving Employee (**for NON- ERP Locations**)

www.nhpcindia.com → Employee Corner → Sahaj Sewa Non-ERP → Utilities
→ Finance → EPS 95 → Option for EPS 95



Disclaimer:

All concerned may please note that this circular is being issued for implementation of Hon'ble Supreme Court Judgement to adhere to the timeline and is subject to any ratification(s)/Guideline(s) that may be issued by EPFO from time to time, including refilling of the format if issued by EPFO or filling Online Format as may be prescribed by EPFO.

Therefore, the Joint Option Form submitted by eligible employees do not confer any right to receive or impose any obligation upon NHPC Ltd. to pay any higher pension to them.

This issues with approval of the Competent Authority.

(Rajesh Kumar)
Dy. General Manager (HR)

Distribution:

Standard : through NHPC Intranet & NHPC website.



ANNEXURE- I

JOINT OPTION UNDER PARA 11(3) and 11(4) OF EPS, 1995

(Application by **superannuated** employees (attained 58 years) of NHPC Ltd (Estt Code HRFBD0009115) for contribution on actual wages under the EPS'95 Scheme on actual wages exceeding the wage limit of ₹ 5,000.00 (16/11/1995 to 31/05/2001)/ ₹ 6,500.00 (01/06/2001 to 31/08/2014)/ ₹ 15,000.00 (w.e.f. 01/09/2014 & onwards) p.m. w.e.f. 16/11/1995.

To

The Regional Provident Fund Commissioner
Faridabad

(Through Employer NHPC Limited)

Subject: JOINT OPTION UNDER PARA 11(3) and 11(4) OF EPS, 1995 based on the Hon'ble Supreme Court' order in C.A. No 008143-008144/2022 titled EPFO vs Sunil Kumar pronounced on 04.11.2022

Hon'ble Supreme Court of India in the above cited judgement has allowed eligible employees and pensioners to opt for pension on actual salary on submitting joint option form by Employee/ Pensioner and Employer as per sec 11(3) & 11(4) of EPS 95 scheme.

In pursuance of the above order by Hon'ble Supreme Court, I opt for contribution on actual salary wef 16.11.1995 with consent of my Employer NHPC Limited.

My particulars are as under:

1	Name of Pensioner &	
1A	Employee No. & Designation on attaining 58 Years	
2	EPF A/C No.	
3	EPS A/C/No.	
4	PPO No. (For pensioners)	
5	UAN No.	
6	Mobile No.	
7	AADHAAR No	
8	Date of attaining 58yrs (For pensioners)	

Place:

Signature

Date:

Name and Address



ANNEXURE- I

Declaration by Employee

I,.....am pensioner of EPF and an amount @ 8.33% of the statutory ceiling amount i.e. ₹ 15,000.00 (earlier of ₹ 5,000.00 (16/11/1995 to 31/05/2001)/ ₹ 6,500.00 (01/06/2001 to 31/08/2014)/ ₹ 15,000.00 (w.e.f. 01/09/2014 & onwards) out of the Employer's contribution was being remitted towards Employees' Pension Scheme, 1995.

I had been contributing towards EPF on my actual salary from date of my joining EPF scheme, in compliance with 26(6) of the EPF & MP Act 1952.

I, do hereby opt for diverting/ depositing 8.33% of actual wages due /out of employer's contribution towards Pension Fund w.e.f. 16/11/1995 till my attaining the age of superannuation (58 yrs).

The differential amount of 8.33 % of actual wages for the period 16/11/1995 upto reaching the age of 58yrs shall be deposited by me through my Ex-employer along with its accrued interest in r/o previous contributions, thus making me eligible for drawing pension along with arrears after my attaining the age of superannuation (58 yrs) on the basis of Pensionable salary based on my actual wages instead of on statutory limit.

Place:

Signature

Date:

Name and Address

Undertaking by the Employer

(For pensioners)

I,.....(Name and Designation) being the authorized signatory of NHPC Ltd. do hereby certify that Mr./ Ms.....was an employee of the establishment with EPF A/C No..... and has attained age of 58 yrs on _____. He/ She has contributed towards Provident Fund on his/her actual salary, as per the terms of Para 26(6) of the EPF Scheme 1952. This establishment has no objection if Mr/Ms..... deposits an amount of 8.33% on his actual wages from his own sources/ divert from his Provident fund towards his Pension Fund w.e.f. 16/11/1995 i.e. from the date of commencement of the Scheme or when his salary exceeded the statutory limit whichever is later along with interest as declared under EPF Scheme, 1952 from time to time making him eligible for drawing pension on the basis of Pensionable salary based on his actual/ higher wages instead of on statutory limit as per Para 11(3)/ 11(4) of the EPS' 95 Scheme., w.e.f. reaching the age of 58 yrs.

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

Place:

Date:

(Signature with Official Seal)



Annexure- II

JOINT OPTION UNDER PARA 11(3) and 11(4) OF EPS, 1995

(Application by **servicing employees** of NHPC Ltd (Estt Code HRFBD0009115) for contribution on actual /higher wages under the EPS'95 Scheme on actual/ higher wages exceeding the wage limit of ₹ 5,000.00 (16/11/1995 to 31/05/2001)/ ₹ 6,500.00 (01/06/2001 to 31/08/2014)/ ₹ 15,000.00 (w.e.f. 01/09/2014 & onwards) p.m. w.e.f. 16/11/1995.

To

The Regional Provident Fund Commissioner
Faridabad

(Through Employer NHPC Limited)

Subject: JOINT OPTION UNDER PARA 11(3) & 11(4) OF EPS, 1995 based on the Hon'ble Supreme Court' order in C.A. No 008143-008144/2022 titled EPFO vs Sunil Kumar pronounced on 04.11.2022.

Hon'ble Supreme Court of India in the above cited judgement has allowed eligible employees and pensioners to opt for pension on actual salary on submitting joint option form by Employee/ Pensioner and Employer as per sec 11(4) of EPS 95 scheme.

In pursuance of the above order by Hon'ble Supreme Court and in exercise of relief granted by Hon'ble Supreme Court in the said judgement, read para 44 (iv) along with para 43, I opt for contribution on actual salary w.e.f. Date of Joining the EPS 1995 scheme, with consent of my Employer NHPC Limited.

My particulars are as under:

1	Name of Pensioner	
1A	Employee No. & Designation on attaining 58 Years	
2	EPF A/C No.	
3	EPS A/C/No.	
4	PPO No. (For pensioners)	
5	UAN No.	
6	Mobile No.	
7	AADHAAR No	
8	Date of attaining 58yrs (For pensioners)	

Place:

Signature

Date:

Name and Address



Annexure- II

Declaration by Employee

I.....am a member of EPF and an amount @ 8.33% of the statutory ceiling amount i.e. ₹ 15,000.00 (earlier of ₹ 5,000.00 (16/11/1995 to 31/05/2001)/ ₹ 6,500.00 (01/06/2001 to 31/08/2014)/ ₹ 15,000.00 (w.e.f. 01/09/2014 & onwards) out of the Employer's contribution is being remitted towards Employees' Pension Scheme, 1995.

I have been contributing towards EPF on my actual salary from date of my joining EPF scheme, in compliance with 26(6) of the EPF & MP Act 1952.

I, do hereby opt for diverting/ depositing 8.33% of actual wages out of employer's contribution towards Pension Fund w.e.f. date of my joining the EPS 1995 scheme, till my attaining the age of superannuation (58 yrs).

The differential amount may be diverted from my Provident Fund account to Pension Fund account along with its accrued interest in r/o previous contributions and henceforth, similar amount i.e. 8.33% of actual wages out of employer share be remitted towards Pension Fund, thus making me eligible for drawing pension after my attaining the age of superannuation (58 yrs) on the basis of Pensionable salary based on my actual wages instead of on statutory limit.

Place:
Date:

Signature
Name and Address

Undertaking by the Employer

(For serving employee)

I,.....(Name and Designation) being the authorized signatory of NHPC Ltd. do hereby certify that Mr./ Ms.is an employee of the establishment with EPF A/C No..... He/ She is contributing towards Provident Fund on his actual salary, as per the terms of Para 26(6) of the EPF Scheme 1952. This establishment has no objection if an amount of 8.33% on his actual wages is diverted from his Provident fund towards his EPS 95 Pension Fund w.e.f. 16/11/1995 i.e. from the date of commencement of the Scheme or when his salary exceeded the statutory limit/ date of joining the scheme, whichever is later along with interest as declared under EPF Scheme, 1952 from time to time making him eligible for drawing pension on the basis of Pensionable salary based on his actual/ higher wages instead of on statutory limit as per Para 11(3)/ 11(4) of the EPS' 95 Scheme.

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

Place:

Date:

(Signature with Official Seal)