



WEST BENGAL ESSENTIAL COMMODITIES SUPPLY CORPORATION LTD.

(A GOVERNMENT OF WEST BENGAL UNDERTAKING)

11-A, Mirza Ghalib Street, Kolkata - 700 087

E-mail us at- acctecsc@gmail.com

No. ECSC/AC/A/...2678.....

Date: 16th February 2023.

Circular & Joint Option Form

Sub: Submission of 'Joint Option Form' under Para 11 (3) and Para 11 (4) of Employees Pension Scheme, 1995 in line with the direction given by Hon'ble Supreme Court vide Order dated 04th November 2022 passed in SLP No. 8658-8659 of 2019 titled EPFO Vs Sunil Kumar B. & Ors. Etc.

- As per para 44 (ii) of the Order dated 04th November, 2022 of Hon'ble Supreme Court passed in SPL no. 8658-8659 of 2019, amendment to the Pension scheme brought about by the notification no G.S.R. 609 (E) dated 22nd August 2014 shall apply to the employees of the exempted establishments in the same manner as the employees of the regular establishments. Therefore, it is presumed that employees/ex- employees of West Bengal Essential Commodities Supply Corporation Limited are also eligible for submission of joint option form for availing pension on actual/higher salary as West Bengal Essential Commodities Supply Corporation Limited is contributing on actual/higher salary exceeding the statutory wage ceiling of Rs 6500/- or 15000/- in the Provident Fund for its employees which makes it eligible for diversion of 8.33% of salary exceeding Rs. 6500/- or 15000/- to the pension fund
- However, contribution to the EPS-95 has been made @8 33% of prescribed wage ceiling ie. Rs 5000/- till May' 2001, Rs. 6500/- w.e.f. June' 2001 and Rs. 15000/- w.e.f September' 2014. As per rule, EPS-95 contribution is deducted from employer's contribution to PF and is remitted to the concerned office of the Employees Provident Fund Organization (EPFO)
- The employees who have attained the age of 58 years prior to 01st September, 2014 without exercising any option under paragraph 11 (3) of the pre-amended scheme have already exited from the membership therefore such employees would not be entitled to the above benefit.
- Employees who have not attained the age of 58 years as on 01st September, 2014, only are eligible for submission of joint option form under para 11 (3) of the EPS'95 Scheme.
- All working/retired/superannuated employees of the Company who are/ were members of the EPS'95 Scheme as on 01st September, 2014 and are willing to exercise the option and contribute on actual wages in pension fund EPS'95 are hereby advised to fill and submit requisite 'joint option form' and declaration (Annexure-A) to get the benefit of pension on actual salary as brought out above. The Employees/ Ex-employees who have worked previously in other Organization(s) were allotted multiple EPS codes should mention the same in previous organization EPS Account details in Annexure-A and should also fill up Annexure-B for every previous Organization(s)/ Unit.

16.02.23 (IT dir)

S. Dutta

16/2/23

by Legal Dir

Contd.....

S. Baitha (Personal)
16.2.23

6. New employees who are not members of EPS-95, i.e. who have joined service initially on or after 01st September 2014 are not required to exercise this joint option
7. (i) Those Employees/Ex-Employees of WBECS LTD. who are covered in the para 4 above may exercise their option in triplicate duly signed in original (hard copies) and may submit in envelop earmarked as "Joint Option EPS'95" to General Manager (Finance) on or before 22nd February, 2023
- (ii) The authorized signatory on behalf of the Corporation of the Joint Option Form will be the Authorized Signatory for Provident Fund and pension related matters (at present, Secretary, WBECS LTD.) as stated at Para 7 (i) above.
8. On acceptance of options of the employees/ex-employees by the concerned Regional PF Commissioner, 8.33% share of employer's contribution in PF on such higher salary along with interest prescribed will be remitted by WBECS LTD. to the Pension Fund
9. The joint option form shall be subject to acceptance by EPFO as per rules.
10. A letter has been written to EPFO seeking guidelines & methodology for submission of Joint Option Form and remittance of balance contribution along with interest. Any formality and obligation prescribed by the EPFO shall be complied by the employees/ex- employees opting for option of pension on higher wages.
11. The option once exercised is irrevocable and change of option at a later date shall not be entertained under any circumstance.
12. The Joint Option Form duly filled in every manner should be submitted by Employees/ Ex-employees concerned, mentioned hereinabove, latest by **22nd February' 2023 to General Manager (Finance)**
13. (i) All efforts shall be made to submit the Joint Declaration of willing Employees/ Ex- employees with respective EPFOs within the time-line prescribed in the SC Judgment. As per the SC Judgment, payment of arrears shall follow the submission of joint declaration and arrears shall have to be remitted within timeline if any prescribed by EPFO in this regard. Accordingly, ex-employees who would exercise the option now and who have already withdrawn the Provident Fund from WBECS LTD. Employees Provident Fund shall have to arrange the fund for payment of arrears to EPFO within prescribed time. Mode and manner of deposit of arrears shall be informed in due course in consultation with EPFO. Ex- Employees/ EPS-95 Pensioners may also note that revision in EPS-95 Pension may take considerable time as the pension payment under EPS-95 is done by the concerned office of the EPFO and is not in the control of WBECS LTD.
- (ii) WBECS LTD. will submit the Joint Declaration Form along with a list under a covering letter to the respective RPFCs under due acknowledgement.
14. In case of serving Employees, payment of arrears shall be made from PF account of Employee with WBECS LTD. Employees' Provident Fund
15. These instructions are subject to directions/instructions of EPFO and or decision of court of law (if any) issued from time to time in this regard

Disclaimer: In reference to judgement dated 4th November, 2022 of Hon'ble Supreme Court, West Bengal Essential Commodities Supply Corporation Limited has written a letter to EPFO seeking guidelines for submission of Joint Option Form for exercising the option and contributing of the EPFO higher pension on higher wages under EPS-95. This circular is being issued for implementation of said judgement only to adhere to the time limit and is subject to any ratification(s)/guideline(s) that may be issued by EPFO from time to time. Therefore, the joint option submitted by eligible Employees/ Ex-Employees do not confer any right to receive or obligation upon West Bengal Essential Commodities Supply Corporation Limited to pay higher pension to them.

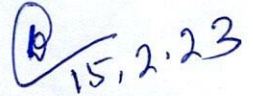
 15/2/23

Managing Director
W.B.E.C.S.C Ltd.

Encl: As above

Copy for kind information and necessary action, as applicable to:

1. General Manager (Finance) WBECSC Ltd. for monitoring and taking further action
2. General Manager (Personnel) WBECSC Ltd. for circulating the office order to all employees in HQ, District Offices, other offices as applicable
3. General Manager (IT) WBECSC Ltd. for publishing the office Order in the website of the Corporation
4. General Manager (Legal) WBECSC Ltd.
5. P.S. to Hon'ble Chairman, WBECSC Ltd.
6. Senior P.S. to Secretary, Department of Food and Supplies, Govt. of West Bengal

 15.2.23

Chief General Manager
W.B.E.C.S.C Ltd.

To,

The Regional Provident Fund Commissioner, Employees Provident Fund Organization,

Sub: Joint Option under erstwhile Para 11 (3) and Para 11 (4) of Employees Pension Scheme, 1995 based upon the Hon'ble Supreme Court's order in SLP No. 8658- 8659 year 2019 Titled EPFO Vs Sunil Kumar **pronounced on** 04th November 2022- Reg.

Sir/ Madam,

Reference is invited towards Para 43 and Para 44 (ii) & (iv) of the aforesaid Order dated 04" November, 2022 of Hon'ble Supreme Court of India, in the above cited Civil Appeal wherein the eligible Employee/ Ex-employee and his/her employer are required to submit a joint option under erstwhile Para 11 (3) & 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/ Ex-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. 15000/-.

Particulars of the Employee/ Ex-employee are as under:

SN	Particular	Details
1.	Name	
2.	EPF/EPS Account Number	
3.	EPF/EPS Account Number of Previous Organization (if any)	
4.	EPF/EPS Account Number of Previous Organization (if any)	
5.	Aadhaar number (attach self attested copy)	
6.	UAN	
7.	PPO Number (If any) (attach self attested)	
8.	Date of Leaving service or attained the age of 58 years which was earlier (if applicable)	
9.	Address for Correspondence Mobile Number Email Id	

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Declaration by Employee/ Ex-employee

It is certified that immediately after joining in West Bengal Essential Commodities Supply Corporation Limited, I had been contributing towards the Provident Fund on my actual salary / wages and an equal amount used to be contributed in my Provident Fund by the employer also as provided under Para 26 (6) of EPS Scheme 1952. It is to further certify that an amount @ 8.33% of the statutory ceiling amount, i.e.. Rs. 15000/- (earlier Rs. 5000/- or Rs. 6500/-) out of the employer s contribution had been remitted every month towards Employees' Pension Scheme 1995 since 16" November, 1995 or the date of joining whichever is later 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/resignation

(Tick ✓ whichever is applicable)

	Since I have already withdrawn entire Provident Fund on my retirement / resignation, I am ready to pay the differential amount that I had taken / withdrawn after my exit / retirement
	In case my provident Fund amount (Employer) becomes short on a/c of non-refundable advance, I am ready to pay the differential amount that I had taken / withdrawn

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 the age of 58 years for the purpose of EPS-1995 after 01.09.2014 on _____ . (strike out if not applicable)

I also undertake that if any other legal formality is required in this regard, I am ready to do accordingly.

Place:

Signature Name

Date:

Employee Code.

NAME OF AUTHORIZED SIGNATORY

SIGNATURE WITH ESTABLISHMENT SEAL

Annexure-B

To be filled by the Employee/ Ex-employee who joined West Bengal Essential Commodities Supply Corporation Limited from any other organization in which they were member of EPS'95 Scheme:

(Separate Sheet should be filled for every previous organization in which employee was member of EPS-95)

SN	Particulars	Details
1.	Name of the Employee	
2.	Previous Establishment Name	
3.	Previous Establishment Address	
4.	Previous Establishment PF Code	
5.	PF Account is held by (Name of EPF Office/PF Trust)	
6.	Date of Joining EPS' 95 in Previous Establishment	
7.	Date of Exit EPS' 95 in Previous Establishment	
8.	EPF/EPS number of Previous Establishment	
9.	UAN of Previous Establishment	

Supporting PF Slip indicating EPS number (if any) and UAN should be attached and self-attested

The above particulars are correct and I am liable to bear any consequence which may arise based on the above declared facts.

Signature of the Employee / Ex Employee

Name of the Employee

Employee Code

NAME OF AUTHORIZED SIGNATORY

SIGNATURE WITH ESTABLISHMENT SEAL