

From,

Date.....

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To,

The Regional Provident Fund Commissioner
Employees Provident Fund Organization,
Sub-Regional Office,
Bhavishyanidhi Bhavan,
PB No.1806, Eranhipalam (PO),
KOZHIKODE – 673 006

Sub:- Eligibility for receiving Pension on actual wages of the employees under
Employees Pension Scheme 1995.

Ref:- 1. PPO No.....
2. Letter No.....dated.....

Dear Sir,

With reference to the above subject, I hereby resubmit the following:-

1. I was an employee of M/s. Instrumentation Limited, Palakkad and was a member of Instrumentation Limited Employees Provident Fund (ILEPF) Trust at Kota. Based on our request ILEPF Trust had approached EPFO Kota, Rajasthan for approval of higher contribution in EPS by the Employees from employer share in EPS'95 fund under Para 11 (3) of the Employees' Pension Scheme 1995 Vide Letter No.ILK/CHQ/EPS-1995/2012 dated 29.05.2012. The same was followed up vide letter Nos. ILK/CHQ/EPS-95/2013 dated 16.01.2013, 29.03.2013 and 17.12.2013 with RPFC, Kota (Copies of all letters attached at **Annexure-A**).
2. In addition to above, I would like to mention that Assistant Provident Fund Commissioner, Kota vide letter No.PF/RJ/1139/Enf/Pension/2013-14/7548 dated 12.02.20214 denied permission for contribution on higher wages under EPS'95 for IL employees. (Copy enclosed at **Annexure-B**).

Contd.....2

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3. In the above context, we had approached High Court of Kerala in 2015 and favourable orders were received. Presently, Higher Pension is drawing by the undersigned by EPFO as per Judgment datedin WP(C) No.....by Hon'ble High Court of Kerala, after receiving the demand notice from EPFO, Kozhikode and after payment as per demand notice. Thus this ongoing pension against valid PPO No.....on higher wages cannot be modified in anyway.

Considering the above, undersigned is eligible for higher pension and it is requested to kindly ensure that undersigned continues to receive Pension on Higher wages, as per PPO No.....

The order of Hon'ble Supreme Court mentioned is applicable for those cases, who are not getting Pension on higher wages and not applicable for cases like undersigned who are already getting pension on higher wages. In its order, Hon'ble Supreme Court has never mentioned that those getting pension on higher wages should be re-examined for eligibility. Hence please do not misinterpret the Hon'ble Supreme Court Judgment and not deny the justice.

Thanking you,

Yours faithfully

Name.....

Signature.....

Annexure-A

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ILK/CHQ/EPS-95/2012
29-05-2012



To,

The Assistant PF Commissioner
Employees Provident Fund
Sub Regional Office
Nidhi Bhawan, Vigyan Nagar
Kota-324 005

Kind Attention : Shri Golia Saheb.

Sub: Consent for higher contribution by Employer and Employees in EPS 1995 Fund under Para 11(3) of the Employees Pension Scheme, 1995.

Sir,

Instrumentation Limited (ILK) is a Central Public Sector Undertaking (CPSU) having its registered and head office at Kota. 100% of the shares of the company are owned by Government of India. ILK has its own PF Trust namely "Instrumentation Limited Employees Provident Fund (ILEPF)" (establishment code-1139) working since 01.04.1968 as per the provisions of EPF Act 1952.

The employees of the company through employees union and associations have drawn attention of the Company's Management towards Para 11(3) of the EPS 1995 scheme which provides option to an Employee and Employer to divert the Employer's contribution from EPF fund to EPS without any Statutory limit from the date of commencement of EPS 1995 Scheme or from the date of salary exceeds statutory limit (Rs. 6500/-; the current statutory limit) whichever is later. Copies of the letters are attached at Annexure - A.

In this regard your kind attention is drawn to

- d) Para 11 (3) of EPS 1995 which provides an option to an employee and employer jointly to divert employer's contribution of EPF to EPS (8.33 %) without statutory limits of 6500/-
- e) The question no. 2580 on 18-8-2005 and 3217 on 21.12.2011 in the Rajya Sabha on the subject (Annexure B). In reply, the then Hon'ble Ministers of Labour and Employment gave written statements that the option is available to the members to contribute at higher rate than the wage ceiling (i.e., Rs 6500/-) which entitles him/her for higher pension.
- f) The news in Times of India, dtd 27.7.2005 (Annexure - C), which categorically mentions that higher pensionable salary is possible as per provisions of EPS 1995 by seeking RPF permission and paying the difference with interest from retrospective date depending upon the salary

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All the employees of the company who are covered under the Rule '17' of the ILEPF trust (copy of ILEPF trust constitution is attached at Annexure D) are member of the ILEPF. The Contribution of Company and employee is being done as per the prescribed rates of contribution required under the EPF Act from time to time (The current rate of contribution is 12%) on the contributory salary consisting of basic wages and the Dearness Allowance (including cash value of any food concession).

As per Rule '21' of the ILEPF trust there is no statutory limit on contributory salary for contribution of Company/ Employee into the EPF Fund and it is being done upon actual salary of employee without any Statutory limit.

Since 16.11.1995, after EPS 1995 Scheme has been introduced in the company, a part of the Company's contribution representing 8.33 % of the Employees contributory salary to EPF is being diverted to EPS subject to statutory limit on contributory salary as prescribed in the EPS 1995 scheme from time to time (The current Statutory limit on Contributing salary for EPS is Rs. 6500/-).

Understandably, in case an employee with the consent of Employer opts for contributing on higher salary and remitting the contribution required with difference, if any, into the Pension Fund the Pensionable Salary for the Employee shall be based on such higher Salary.

In order to provide better Social Security to the employees of the company after retirement, it is requested to please approve operation of EPS in ILK by providing option of diverting higher part of employer's contribution from EPF to EPS 1995 Fund as per Para 11(3) of EPS 1995 Scheme so that all comprehensive benefits under the scheme may be availed by the employees of the company.

Thanking you and kind regards.

Yours Sincerely,

For Instrumentation Ltd.,
Authorized signatory

OP Solanki
29.05.12

Addl General Manager (CHQ)

Enclosures: As above.

ILK/CHQ/EPS-95/2013
16-01-2013

To,

The Regional PF Commissioner
Employees Provident Fund
Sub Regional Office
Nidhi Bhawan, Vigyan Nagar
Kota-324 005

Subject : Consent for higher contribution by Employer and Employees in EPS 1995 Fund under Para 11(3) of the Employees Pension Scheme.1995.

Reference: Earlier letter no ILK/CHQ/EPS-95/2012 dated 29-05-2012.

Sir,

This has reference to our letter dated 29-05-2012 mentioned above and subsequent meetings with you and your officials.

We hope that our case of consent for higher contribution by Employer and Employees in EPS 1995 Fund under Para 11(3) of the Employees Pension Scheme 1995 will be under your active consideration.

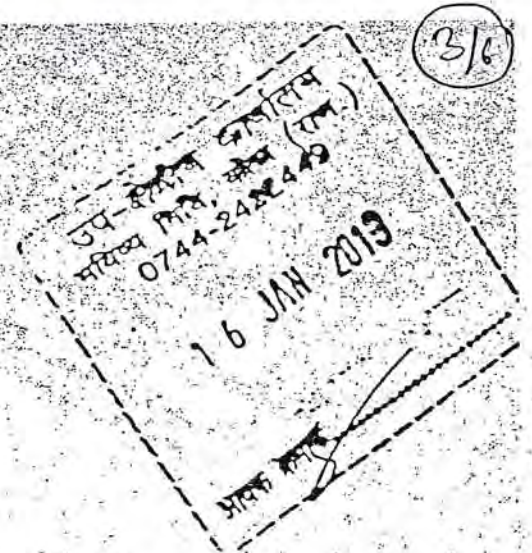
As this is related to the benefit of all interested employees, we request you to kindly expedite the case and convey your consent so that we can proceed further.

Thanking you with kind regards,

Yours Sincerely,

For Instrumentation Ltd.,
Authorized signatory


(RL Chauhan)
Dy. General Manager (CHQ)



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दूरभाष : (0744) 2424591-98
(0744) 2423381-85
Fax No. / फैक्स नं. : (0744) 2422505, 2423503,
2425510, 2426309, 2424322
Email : ilkgmk@sancharnet.in

GEN-F-12

इन्स्ट्रुमेन्टेशन लिमिटेड
(भारत सरकार संस्थान)
Instrumentation Limited
(A Government of India Enterprise)

Ref. / क्रमांक :
Date / दिनांक : ILK/CHQ/EPS-95/2013
29TH March, 2013

मुख्य कार्यालय (Registered Office):
उप-प्लॉट नं. 324 005 (राजस्थान) भारत
प्लॉट नं. 0744-2324 005 (Rajasthan) INDIA
X2 APR 2013

The Regional PF Commissioner
Employees Provident Fund
Nidhi Bhawan, Vigyan Nagar
KOTA 324 005

Sub:- Consent for higher contribution by Employer and Employees in EPS 1995 fund under Para 11(3) of the Employees Pension Scheme 1995.

- Ref- 1. Earlier letter no. ILK/CHQ/EPS-95/2012 Dtd 29.05.2012.
2. Our letter no. ILK/CHQ/EPS-95/2013 Dtd 16.01.13.

Dear Sir,

This has reference of our request dtd 29.5.12 for consent of higher pension under EPS 1995, our letter dtd 16.1.13, and numerous meeting of our representatives with you.

Our employee representatives are constantly asking undersigned the status of your consent to our letter dtd 29.5.12. Our officials who have been meeting you regularly have informed us that you are taking advice / referring the case to RPFC Jaipur. We hope that you must have already referred the same to Jaipur and must be in the process of getting their clearance.

As already stated by us / our representatives during meetings IL (the employer) and employees have contributed to EPF scheme 1952 over and above the statutory limit either from 16-03-1996 or from the month in which employee's salary exceeded the limit as per the mandatory provision of PF Trust of the Company. The PF Trust has been established as per exemption Notification of EPFO and its mandatory provision fulfills the requirement of Para 26(6) of EPF scheme 1952.

It is categorically stated in the circular No Pension / Misc./2005/65836 dated 22-11-2006 issued by CPFC, EPFO Delhi that the option to contribute on a pay exceeding the statutory limit is available to a member only under the employees provident fund scheme 1952 and not under para 11(3) of EPS. The Para 11(3) of EPS is only a methodology of determining and receiving higher pension after necessary remittances of interested employees with the consent of employer. Further the para 11(3), EPS 1995 is a provision of determining higher pension and applies to the employees who have already been contributing on a higher pay / actual pay under EPF 1952.

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In this background we request that we may be allowed to divert necessary employer share from EPF Fund to EPS Fund w.e.f. applicable dates as per provisions of EPS 1995 scheme. To substantiate our case we have already enclosed circular dated 22.11.2006 alongwith Q & A in the Rajya Sabha dated 18.08.2005 & 21.12.2011 on the subject matter (copy enclosed).

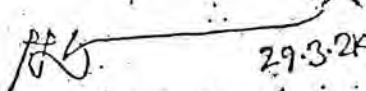
As this matter is of considerable importance to all of our employees, it is requested to expedite the clearance from approving authority as fast as possible.

In case any help is required from our side in clarifying the matter further, please let us know for the needful.

As this matter is related to welfare of our employees an early reply from your side will help us in satisfying our employees.

Thanking you with kind regards.

Yours sincerely
For INSTRUMENTATION LIMITED
Authorized signatory


(R.L. CHAUHAN)
Dy. General Manager (CHQ)

29.3.2013

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उप-क्षेत्रीय कार्यालय
 माहिम विधि कोटा (राज.)
 0744 242419
 18 DEC 2013
 उप-क्षेत्रीय कार्यालय

ILK/CHQ/EPS-95/2013
 17/12/13

To,
 The Regional PF Commissioner,
 Sub Regional Office
 Kota

Kind Attn: Shri Ashish Kumar

Subject: IL's Request of enhanced Pension under EPS 1995 Scheme

Reference: 1) Letter no. ILK/CHQ/EPS-95/2012/ dt. 29.5.2012,
 2) Letter No.ILK/CHQ/EPS-95/2013/ dt. 16.1.13 & dt.29.3.13

Dear Sir,

This has reference to the above mentioned subject matter and various meetings held so far between the RPFC office, Kota & IL Representatives.

We thank you for the support extended to IL in this matter and trust that IL's request of enhanced pension for its employees is under your active consideration and in final stage of acceptance.

We are under extreme pressure from our unions and associations to implement the option of higher pension at the earliest. The delay is disadvantageous to the employees nearing retirement who are being deprived to exercise their option, and who could be otherwise eligible.

We request to give your acceptance for exercising the enhanced Pension option at the earliest.

Thanking you and expecting your favourable reply at the earliest.

Yours sincerely,

(Signature)
 (AK Wazir)

Addl General Manager (CHQ)

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(Signature)
 TREV

Annexure-B



कर्मचारी भविष्य निधि संगठन

(भाग एन रोजगार मंत्रालय, भारत सरकार)

उप क्षेत्रीय कार्यालय, भविष्य निधि, भावन, विज्ञान नगर, कोटा-324005

फोन नं. 0744-2425392, 2422800 फैक्स 0744-2421018 Email: sro.kota@epfindia.gov.in

AGM (R/O)
OFFICE
3
17/2/14

No.: PE/RJ/1139/Enf/Pension/2013-14/

Date:

To,
The Add. Gen. Manager (CHQ),
M/s Instrumentation Limited,
Jhalawar Road,
Kota.

7548

12 FEB 2014

Sub:- Contribution of Salary exceeding the statutory limit Para 11(3) of EPS-95.

Sir,

Please refer to your letter no. IL/CHQ/EPS-95/2013 Dated 29.03.2013 on the subject cited above in this connection the matter reg. contribution (Higher) of salary exceeding limit para 11(3) of the EPS-95, was referred to Regional Office, Jaipur vide letter no. RJ/Kota/1139/Exemp./2013-14/324 dated 04.06.2013. The Regional Office, jaipur vide letter no. RJ/1139/Exem. Cell/3060 dated 28.06.2013 suggested that take action according to the circular no. Pen/Misc./2005/65836 dated 22.11.2006. Hence the matter reg. enhance pension contribution under para .11(3) of the EPS-95 has been examined in the light of direction received vide C.G. letter Pen/Misc./2005/65836 dated 22.11.2006 and H.O. letter no. Pension/Misc./2013/Higher Salary/528 dated 08.11.2013. It has been observed that

(1) Under EPS there is a no contribution payable separately. Under para 3 of EPS, from and out of contribution payable by the employer in each month under section 6 of the Act, the Employer shall remit a part of contribution representing 8.33% of employees pay to EPS. Therefore, it is only the employer share of contribution payable under Employee Provident Fund Scheme, 1952 that is being diverted to EPS to the extent as aforesaid.

(2) Accordingly the option to contribute on a pay exceeding statutory limit is available to a member only under para 26(6) of the EPF Scheme, 1952 and not under Para 11(3) of EPS.

(3) In fact Para 11(3) clarifies the methodology of determination of pensionable salary only.

(4) Para 26(6) of Employee Provident Fund Scheme, 1952 provides that the contribution on higher wages would be permitted by an office not below the rank of APFC on the joint request of the employer and employees. Permission for higher wages under para 26(6) of the Employee Provident Fund Scheme, 1952 may be accorded subject to condition that contribution to the EPS of higher wages would not be allowed and shall be limited to wage ceiling only.

In view of forgoing and direction received from Head Office time to time, It has been decided that hence forth and until further orders no permission will be accorded for contribution on higher wages under EPS.

Sd/-
17/2/14

Yours faithfully,
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