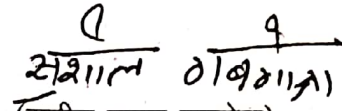


संख्या : नाईलीट/चन्डीगढ/प्रशासन-01/2020/11108

दिनांक: 29.01.2020

श्रम एवं रोजगार मंत्रालय, भारत सरकार, कर्मचारी भविष्य निधि संगठन के कार्यालय से प्राप्त पत्र संख्या Compliance-III/PN/6048/2825 दिनांक 24.12.2019 के अन्तर्गत सभी अनुभागों के प्रमुखों एवं उनके द्वारा उनके अधिनस्त कर्मचारियों की जानकारी हेतु प्रस्तुत है ।


(सुशील कुमार गबगोत्रा)
अपर निदेशक(क एवं प्र.)

एक प्रतिलिपि:-

1. निदेशक प्रभारी कार्यालय
2. सभी अपर निदेशक (प्रणाली/ तकनिक)
3. सर्तकता अधिकारी
4. संयुक्त निदेशक, (प्रणाली/ तकनिक)
5. श्रीमती सुमन, (Technical Officer) - वेबसाइट पर डालने हेतु
6. सहायक निदेशक वित्त
7. सूचना पट



कर्मचारी भविष्य निधि संगठन
EMPLOYEES' PROVIDENT FUND ORGANISATION
(भ्रम एवं रोजगार मंत्रालय, भारत सरकार)
(MINISTRY OF LABOUR AND EMPLOYMENT, GOVERNMENT OF INDIA)
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Ref. No. Compliance-III/PN/6048/ 2825

Date: 24-12-2019

To,

M/s National Institute of Electronics & Informatics,
Birla Farms, Bada Phull, Rupnagar.

Sub: -

Joint option under Para 11(3) & Para 11(4) EPS, 1995 based upon the Hon'ble Supreme Court's Order in SLP No 33033 of 2015 and Head Office Letter dated 23.03.2017-regarding.

Sir,

With reference to your office letters dated 13.11.2019 on the subject cited above. In this connection it is submitted that a notification was issued by the competent authority vide GSR no.609 (E) dated 22.08.2014. Accordingly sub para 4 of para 11 of EPF, 1995 was introduced. However the establishment is advised to follow the provisions of para 11 of the EPS, 1995 read with para 2(f) of the EPF Scheme, 1952. The same paras are reproduced herewith for kind information so follow the same and other provisions of the Act and Scheme and report accordingly.

Para 11. Determination of Pensionable Salary. [(1) The pensionable salary shall be the average monthly pay drawn in any manner including on piece rate basis during contributory period of service in the span of sixty months preceding the date of exit from the membership of the Pension Fund and the pensionable salary shall be determined on pro-rata basis for the pensionable service up to the 1st day of September, 2014, subject to a maximum of six thousand and five hundred rupees per month and for the period thereafter at the maximum of fifteen thousand rupees per month.

Provided that if a member was not in receipt of full pay during the period of sixty months preceding the day he ceased to be the member of the Pension fund, the average of previous sixty months full pay drawn by him during the period for which contribution to the pension fund was recovered, shall be taken into account as pensionable salary for calculating pension]

(2) If during the said span of (sixty months) there are non-contributory periods of service including cases where the member has drawn salary for a part of the month, the total wages during the (sixty months) span shall be divided by the actual number of days for which salary has been drawn and the amount so derived shall be multiplied by 30 to work out the average monthly pay.

(3) The maximum pensionable salary shall be limited to (fifteen thousand rupees) per month.

(4) The existing members as on the 1st day of September, 2014 who at the option of the employer and employee, had been contributing on salary exceeding six thousand and five hundred rupees per month, may on a fresh option to be exercised jointly by the employer and employee continue to contribute on salary exceeding fifteen thousand rupees per month [and the pensionable salary for the existing members who prefer such fresh option shall be based on the higher salary]

Provided that the aforesaid members have to contribute at the rate of 1.16 percent on salary exceeding fifteen thousand rupees as an additional contribution from and out of the contributions payable by the employees for each month under the provisions of the Act or the rules made there under:

Provided further that the fresh option shall be exercised by the member within a period of six months from the 1st day of September, 2014.

Provided also that the period specified in the second proviso may , on sufficient cause being shown by the member, be extended by The Regional Provident Fund Commissioner for a further period not exceeding six months.

Provided that if no option is exercised by the member within such period (including the extended period), it shall be deemed that the member has not opted for contribution over wage ceiling and the contributions to the Pension Fund made over the wage ceiling in respect of the member shall be diverted to the Provident Fund account of the member along with interest as declared under the Employees' Provident Fund Scheme from time to time.

Para 2(f) of EPF, Scheme, 1952

(f) "employee" means any person who is employed for wages in any kind of work, manual or otherwise, in or in connection with the work of 3[an establishment] and who gets his wages directly or indirectly from the employer, 4[and includes any person,-

(i) Employed by or through a contractor in or in connection with the work of the establishment;

(ii) Engaged as an apprentice, not being an apprentice engaged under the Apprentice Act, 1961 (52) of 1961) or under the standing orders of the establishment];

This is for your information please.

Yours faithfully,

(Gulshan Ram)

Assistant P.F. Commissioner