



सीमेंट कारपोरेशन ऑफ़ इंडिया लिमिटेड
निगमित कार्यालय, नई दिल्ली
मानव संसाधन विभाग

Circular

No. PD/PP/1(1)/38/2004/620

Dated: 15.02.2023

Subject: Employee's Pension Scheme-Option to contribute to EPS-95 on actual salary for Pension as per the Hon'ble Supreme Court Judgment.

Ref:

- 1) Judgement dated 04th November 2022 of the Hon'ble Supreme Court in the matter of the Employees Provident Fund Organisation &Anr. VsSunil Kumar B. &Ors.
- 2) EPFO Circular No. Pension /2022/54877/15149 dated 29.12.2022
- 3) EPFO Corrigendum No. Pension/2022/54877/15238 dated 05.01.2023

1. The Hon'ble Supreme Court has issued several directions to the Employees Provident Fund organisation (EPFO) for the implementation of the EPS-95 scheme and has also held that amendment to EPS brought about by notification No. G.S.R. 609 (E) dated 22.08.2014 shall also apply to the employees of exempted establishments in the same manner as the employees of the regular establishments (Para 44 (ii) of the judgment).
2. CCI is an exempted establishment, and the amended EPS may be applicable to the existing employees/ex-employees of CCI who are eligible as per the Hon'ble Supreme Court's judgement dated 04th November 2022. CCI makes matching employer's contribution on salary (Basic + DA) to the Trust. However, contribution to the EPS-95 has been made @8.33% of prescribed wage ceiling i.e. Rs 5000/- from Nov 1995 to May 2001, Rs 6500/- from June 2001 to August 2014 and Rs 15000/- from September 2014. As per the rules, EPS contribution is deducted from the Employers' contribution to PF and is remitted to RPF- Central Delhi. Accordingly, Pension is to be disbursed under EPS -95 by the EPFO.
3. EPFO has issued circular no Pension/2022/54877/15149 dated 29.12.2022, corrigendum no Pension/2022/54877/15238 dated 05.01.2023 and Pension/2022/55893/15785 dated 25.01.2023 in compliance of the order contained in Para 44(ix) read with Para 44 (v) and of the Hon'ble Supreme Court judgement dated 04.11.2022 Para 5 of the EPFO circular specifies that the employees who are eligible to exercise their option as per the judgement of SC in R C Gupta case.
4. However, it is pertinent to note that as per para 43 read with para 44(iv) of the above judgment of the Supreme Court, all serving and retired employees who were Members of the EPS-95 as on 01.09.2014 i.e. were below 58 years of age and who could not exercise the option, as contemplated in the proviso to paragraph 11 (3) of the Pension Scheme to contribute to EPS-95 on actual salary instead of applicable wage ceiling, for getting pension on actual Pensionable Salary as defined in the EPS-95, would be entitled to exercise option now under paragraph 11 (4) EPS-95 within a period of four months from the date of judgment.
5. Eligible ex-employees/existing employees are advised to visit our web site www.cciitd.in and upload the request in the format. Hard copies in triplicate of option duly signed may be sent to "The Secretary, PF Trust" so that same may be forwarded to EPFO office. Employees are also advised to visit our website from time to time to gather updates in this regard. It is further informed that revision in EPS pension is to be done by EPFO and is not in purview of PF Trust/CCI.

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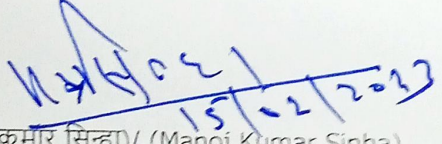
6. All eligible employees are requested to submit the Joint Option Forms (as per their applicability attached herewith as Annexure- I,II,III) on or before 26.02.2023 to the following address by hand or registered/speed post:

"Declaration Form for EPS-95"
The Secretary, PF Trust,
Cement Corporation of India Limited,
Core-5, 7th Floor, SCOPE Complex, Lodhi Road,
New Delhi-110003

7. Further, new employees who are not member of EPS-95 i.e. who have joined service initially on or after 01st September 2014 are not required to exercise this joint option.

Disclaimer: The circular is being issued for providing information contained in the judgement of Supreme Court and circulars issued by EPFO and is subject to any further circular/guidelines that may be issued by EPFO from time to time. The option submitted by the ex-employees shall not confer any right to receive or obligation upon CCI Ltd to pay a higher pension to them.

This issues with the approval of Competent Authority.


(मनोज कुमार सिन्हा)/ (Manoj Kumar Sinha)
वरिष्ठ प्रबंधक (मा. सं.)/Senior Manager (HR)

सामान्य वितरण/Standard Distribution