



**WEST BENGAL CO-OPERATIVE  
MILK PRODUCERS' FEDERATION LTD.**

No. 10/10(QA)/PF/286

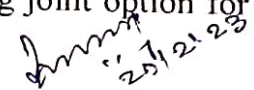
Dated: 20/02/2023

**Notice**

**Sub: Submission of 'Joint Option Form' under Para 11 (3) and Para 11 (4) of Employees Pension Scheme, 1995 in accordance with the direction by the Hon'ble Supreme Court of India dated 04<sup>th</sup> November 2022 vide SLP No. 8658-8659 of 2019 in the matter of The Employees Provident Fund Organisation & Etc. Vs Sunil Kumar B. & Etc.**

- 1) The Order dated 4<sup>th</sup> 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 22<sup>nd</sup> August 2014 shall apply to the employees of the regular establishments. Therefore, it is presumed that employees/ex employees of the West Bengal Cooperative Milk Producers' Federation Ltd. may also submit joint option form for availing pension on actual/higher salary. In this matter the employees/ex employees of Mother Dairy Calcutta fulfilling the conditions as per the order of the Hon'ble Supreme Court of India, have to exercise their option for contributing on higher wages exceeding the statutory wage ceiling of Rs. 5000/6500/- or 15000/- pm in the provident fund to make eligible for diversion of 8.33% of the salary exceeding Rs. 5000/6500/- or 15000/- pm.
- 2) The employees who have retired prior to 1<sup>st</sup> September 2014 without exercising any option under paragraph 11 (3) of the preamended scheme have already exited from the membership therefore such employees would not be entitled to this benefit.
- 3) The employees who have retired before 1<sup>st</sup> September 2014 upon exercising option under paragraph 11 (3) of 1995 Scheme shall be covered by the provisions of the paragraph 11(3) of the pension scheme as it stood prior to the amendment of 2014.

- 4) All employees of West Bengal Cooperative Milk Producers' Federation Ltd. who are/were members of the EPS'95 Scheme as on 1<sup>st</sup> September 2014 and are willing to exercise the option and contribute on actual wages in pension fund under EPS 1995 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.
- 5) Those employees/retired employees of West Bengal Cooperative Milk Producers' Federation Ltd. who are covered in the para 3 & 4 above may exercise their option in triplicate duly signed in original (hard copies) and may submit in envelop earmarked as "Joint Option EPS 1995" to the undersigned **on or before 24<sup>th</sup> February'2023** for onward submission to the Regional PF Commissioner.
- 6) The joint option form shall be subject to acceptance by EPFO as per rules.
- 7) The option once exercised is irrevocable and change of option at a later date shall not be entertained under any circumstance.
- 8) The Joint Option form duly filled in every manner should be submitted by employees/retired employees concerned, mentioned hereinabove, latest by **24<sup>th</sup> of February 2023** to the respective Projects/Units/Offices
- 9) All efforts shall be made to submit the Joint Declaration of willing employees with EPFO within the time-line prescribed in the SC Judgement. As per the SC Judgement, 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, retired employees who would exercise the option now and who have already withdrawn the Provident Fund from EPFO shall have to arrange the fund for payment of arrears to the EPFO, within prescribed time. Retired Employees may also note that revision in EPS 1995 Pension may take considerable time as the pension payment under EPS 1995 is done by the concerned office of the EPFO and is not in the control of West Bengal Cooperative Milk Producers' Federation Ltd.
- 10) In case of serving employees, payment of arrears may be adjusted from the Provident Fund account of the employee lying with EPFO.
- 11) Employees/retired employees are liable to pay any shortfall in employer contribution to be remitted on account of opting joint option for higher pension under EPS 1995.

  
25/2/23  
Managing Director  
West Bengal Cooperative  
Milk Producers' Federation Ltd.

JOINT DECLARATION FORM I

[Form to be used for enrolling to the Employees' Provident Fund in respect of the employees whose Total wages exceed the wage ceiling limit of Rs.6,500/ per month on the date of joining the establishment and for remitting the P.F. contributions as per Statutory Rate only]

(See Paragraph 26(6) and Para 29 of the Employees' Provident Funds Scheme, 1952)

To  
The Regional Provident Fund Commissioner,

\_\_\_\_\_

\_\_\_\_\_

Declaration by the Employee:

I, \_\_\_\_\_ Son of / Daughter of /  
Wife of \_\_\_\_\_ Bearing Provident  
Fund Account No. \_\_\_\_\_ am willing to become  
member of the Employees' Provident Funds Scheme, 1952 with effect from \_\_\_\_\_ and to  
contribute to the Employees' Provident Fund at the Statutory Rate as prescribed under Para  
29 of the Employees' Provident Funds Scheme, 1952 on my Emoluments consisting of  
Basic Pay, Dearness Allowance (including cash value of food concession) and Retaining  
Allowance (if any), which altogether not exceeding Rs. 6,500/ per month with effect from  
\_\_\_\_\_.

I agree to abide by the conditions contained in the Employees' Provident Funds Scheme,  
1952.

Therefore, kindly permit me to enroll myself as Member of the Employees'  
Provident Fund and to contribute on my Emoluments not exceeding Rs. 6,500/ per month  
with same benefits as available to other Provident Fund members whose monthly salary  
does not exceed Rs. 6,500/ with effect from \_\_\_\_\_.

Place: Dated:

Signature of the Employee

Declaration by the Employer:

We, as the Employers of the above mentioned Employee are willing to pay our  
share of contributions to the Employees' Provident Fund at the Statutory Rate as prescribed  
under Para 29 of the Employees' Provident Funds Scheme, 1952 on the Emoluments of

Shri/Smt/Ms. \_\_\_\_\_ consisting of Basic Wages, Dearness Allowance (including cash value of food concession) and Retaining Allowance (if any), which altogether **not exceeding Rs.6,500/ per month** and agree to remit the Administrative Charges at the existing prescribed rate of 1.10% of the wages of the above employee on which the Provident Fund contributions are Payable with effect from \_\_\_\_\_ and also agree to abide by the conditions contained in the Employees' Provident Funds Scheme, 1952.

The above Employee, may therefore be permitted to become Member of the Employees' Provident Fund and to contribute on the emoluments not exceeding Rs. 6,500/ per month from the aforesaid date.

Signature of the Employer or  
Authorized Official with Seal

Place:

Dated:

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For Office use:

OFFICE OF THE REGIONAL PROVIDENT FUND COMMISSIONER

The above Joint Declaration is accepted and necessary entries made in the Ledger Account of the Employee for verification with the Contribution Card in Form 3A.

A.O. (with Seal)

A.P.F.C. (with Seal)

To

01. Shri / Smt / Ms  
P.F. Account No.

(Through the Employer)

02. M/s.

(\* Address Seal of the  
Establishment)

03. Area Enforcement Officer

Note: 1. This Joint Declaration is required to be submitted in Quadruplicate.  
2. Recovery of P.F. contribution may be started in anticipation of formal acceptance.