



# भारत हेवी इलेक्ट्रिकल्स लिमिटेड Bharat Heavy Electricals Limited

From : M. Isadore, Executive Director (HR), BHEL Corporate Office, New Delhi

To : Head of HR, BHEL Units/Divisions

Ref. No.: AA:HR:EPF

Date: 31.03.2023

## **CORPORATE HUMAN RESOURCE CIRCULAR NO. 008/PPX/2023**

Sub: **Submission of Joint Option by eligible employees/ex-employees in pursuance of the Hon'ble Supreme Court's order dated 04.11.2022.**

Ref: (a) EPFO Circular No. Pension/2022/56259 dated 20.02.2023  
(b) Corporate HR Circular No. 006/PPX/2023 dated 27.02.2023

1. Vide circular referred at (a) above, EPFO has issued instructions in compliance of the orders contained in Para 44(iii) and (iv) read with Para 44(v) of Hon'ble Supreme Court judgement dated 04.11.2022 in the matter of Special Leave Petition (C) Nos. 8658-8659 of 2019.
2. Pursuant to the issue of EPFO circular referred at (a) above, Corp. HR circular mentioned at (b) above detailing the coverage of eligible employees and the modalities for exercise of joint option through facility on EPFO portal was issued for general information of all eligible employee/ex-employees.
3. As per the modalities indicated in the above EPFO circular, the following documents are required to be uploaded while submitting the Joint option through EPFO portal:
  - a) Permission required under clause 26(6) of EPF scheme for contribution on actual wages.
  - b) PF account balance on the date of filing option and relevant documentary proof for the same.
  - c) Undertaking by the member to deposit the contribution along with interest due till the date of payment.
4. In view of above, the following documents may be uploaded on the EPFO portal by eligible members, against the requirement mentioned above:
  - i) Certificate to be submitted in lieu of permission required under clause 26(6) of EPF Scheme (as per Annexure -1), will be made available to the eligible employees /ex-employees in their SSON/ecare login respectively.
  - ii) The PF Account balance statement as on 31.03.2022 for eligible on-roll employees and the final settlement PF statement issued by concerned PF Trust at the time of separation in case of eligible ex-employees.
  - iii) Duly filled-in & signed undertaking by the members, as per Annexure-2.

The URL for exercising Joint Option of EPS-95 for higher pension is available on EPFO portal as below:

<https://unifiedportal-mem.epfindia.gov.in/memberinterfacePohw/>

5. Eligible members are advised to strictly follow the EPFO guidelines while submitting online joint option and are requested to submit the same preferably by 15.04.2023. Members may please note that mere submission of Joint option doesn't confer any right to higher pension and the same is subject to final decision of EPFO authority.
6. It may be noted that the method of deposit and that of computation of higher pension is yet to be communicated by EPFO.
7. The requirement of any further data/ information/ supporting documents will depend on the circulars/ guidelines as issued by EPFO/CPFC/RPFC from time to time.
8. The choice made by the employee/ ex-employee is irrevocable as per EPFO circular.
9. For the benefit of eligible employees/ ex-employees to take an informed decision for exercising option, BHEL has compiled and computed the approximate amount that has to be transferred/refunded to EPFO to get the benefit of higher pension. The data has been compiled from all available sources across the Company. The available information/ computation can be viewed by the eligible employees /ex-employees in their SSON/ecare login respectively.
10. Further details with regard to directions/guidelines on EPS-95 will be made available on Corporate HR circulars portal/ ecare portal from time to time. All members are advised to keep themselves updated on any further instructions being issued by EPFO in this regard. For any queries/help, members can contact the nodal officers of the concerned Unit, details of which are available on the ecare portal.

This issues with the approval of the Competent Authority.

27/3/2023

(M. Isadore)

Executive Director (HR)

Encl: As above

**Distribution:**

- (1) SA to CMD/Dir (Finance)/Dir (IS&P)/Dir (Power)/Dir (E, R&D)/Dir (HR)
- (2) Head of all BHEL Units/Divisions
- (3) General Manager & Head – Finance, Corporate Office
- (4) Head of Finance, All BHEL Units/Divisions
- (5) BHEL Employees' PF Trusts
- (6) Website: ecare.bhel.in/ Corporate Intranet – for information of all ex-employees/serving employees

**Certificate in Lieu of Para 26(6) of the EPF Scheme, 1952**

This certificate is being issued to the eligible employees/ ex-employees of BHEL as per the requirement mandated vide EPFO circular No. Pension/2022/56259/16541 dated 20<sup>th</sup> February, 2023 for online submission of Joint Option Form provided on EPFO portal. As per clause 6 (vii) of this circular, employees are required to submit the proof of remittance of employer's share in Provident Fund on higher wages exceeding the prevalent wage ceiling of Rs. 5,000/6,500 and proof of joint option under Para 26(6) of EPF Scheme.

BHEL is an exempted establishment under section 17(1) EPF & MP Act, 1952 and BHEL PF Trusts are exempted Trusts under para 27A of the Employees' Provident Funds Scheme, 1952. Provident Fund Rules of BHEL Trusts are duly approved by the EPFO.

The establishment has been complying with the rules of the Trusts, and Provident Fund contribution of the members at 10% or 12% of actual wages (as applicable from time to time) have been deducted from their actual wages/ salaries and credited to the member's individual Provident Fund (PF) account. Further, the Employer's contribution at 10 % or 12% on actual wages / salaries (as applicable from time to time) has also been credited to the member's individual PF account under rules of the respective PF Trusts, by which, company has been complying with the Rule 26(6) of the Provident Fund Scheme, 1952.

As per the rules of the BHEL PF Trusts, permission has already been granted through the Provident Fund Rules of the Trusts for contributing on actual wages / salaries. It is also evident that our establishment (BHEL/Employer) is also contributing on actual wages / salaries, and has been depositing the required administrative/ inspection charges with EPFO Authority and the Trust accounts were being audited by the EPFO from time to time. Monthly exempted return is being filed on EPFO portal where the actual PF contributed is mentioned. Under these circumstances, the provisions of para 26(6) of the EPF Scheme, 1952 have been complied with by the establishment and hence may be accepted in lieu of proof of Joint Option under para 26 (6) of EPF Scheme, 1952.

On 100 Rs. Stamp Paper

**AFFIDAVIT CUM UNDERTAKING**

To,  
BHEL Provident Fund Trust,

I, \_\_\_\_\_, [Son/Daughter/Wife] of \_\_\_\_\_, presently residing at \_\_\_\_\_, and [retired from/currently working in] Bharat Heavy Electricals Limited (BHEL) as \_\_\_\_\_ hereby declare and undertake as follows:

1. I have read and understood the terms of Employees Pension Scheme, 1995 ('Pension Scheme') as amended from time to time.
2. I am aware of the Supreme Court judgment dated 04.11.2022 (in SLP (C) Nos. 8658-8659 of 2019)
3. Pursuant to the aforesaid judgment dated 04.11.2022 and Employee Provident Fund Organisation circulars/orders/notifications etc., I have exercised the joint option under para 11(3) and 11(4) of the Pension Scheme.
4. I agree and acknowledge that I will not withdraw or modify my option once exercised, unless otherwise permitted by the Employees Provident Fund Organisation or the applicable law, and I will be bound by the terms of the Pension Scheme as may be notified or modified or communicated by the Employees Provident Fund Organisation (EPFO) from time to time.
5. I understand and agree that as a member of the Employees' Pension Scheme my rights to claim pension are limited to the scope of the judgement of the Supreme Court and within the EPF & MP Act, 1952 and the Schemes framed thereunder.
6. I undertake and agree to make payment/ transfer from PF account (as applicable) of the due contribution along with interest up to the date of payment with BHEL Provident Fund Trust, for deposit in a single tranche with the Employees Provident Fund Organisation in terms of the Pension Scheme and any clarifications/ notifications/ circulars/ orders in relation thereto, including any further payments as may be required, upon demand from EPFO or BHEL Provident Fund Trust or BHEL without any delay or demur.
7. I also undertake that in case my corpus/balance in PF amount is insufficient/ completely withdrawn to meet the aforesaid requirement, I am ready to pay the differential/ full payable amount as communicated / decided by EPFO/ RPFCL, thus making me eligible for drawing pension on the basis of actual salary/ wages instead of on the salary/wages as per prevailing ceiling under the Act, as applicable.

8. I will not hold BHEL or BHEL Provident Fund Trust responsible or liable in any manner whatsoever in the event of my failure to deposit the total amount payable together with interest due up to the date of payment within such period as may be prescribed/ allowed by EPFO after verification of my joint option or for any act, which has been done by BHEL at my instance for the purpose of exercising joint option for higher pension.

Signature : \_\_\_\_\_  
Name of [Employee/Retired Employee] : \_\_\_\_\_  
Employee Staff No. : \_\_\_\_\_  
Current Unit/ Unit of Retirement : \_\_\_\_\_  
Complete Address : \_\_\_\_\_  
Mobile Number : \_\_\_\_\_  
Universal Account Number (UAN) : \_\_\_\_\_  
EPS No. : \_\_\_\_\_  
PPO No. and Date (If applicable) : \_\_\_\_\_

**Witnesses**

1. Signature : \_\_\_\_\_  
Name : \_\_\_\_\_  
Mobile No : \_\_\_\_\_  
Address : \_\_\_\_\_  
  
2. Signature : \_\_\_\_\_  
Name : \_\_\_\_\_  
Mobile No : \_\_\_\_\_  
Address : \_\_\_\_\_