



कर्मचारी भविष्य निधि संगठन
EMPLOYEES' PROVIDENT FUND ORGANISATION
श्रम एवं रोजगार मंत्रालय, भारत सरकार
MINISTRY OF LABOUR & EMPLOYMENT, GOVERNMENT OF INDIA

मुख्य कार्यालय/Head Office

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(Internal Circulation only)

No. Pension/SupremeCourt/judgement/HPM/2022/405
To,

Date: 23.04.2023

23 APR 2023

All Addl. CPFCs, Zonal Offices.
All RPFs / OICs, Regional Offices.

Subject- Application for validation of option / joint options- Scrutiny of information and wage details submitted by the employee and employer - Reg.

Madam/ Sir,

Please refer to the instructions issued vide circulars dated 29.12.2022, 05.01.2023, 25.01.2023 and 20.02.2023 regarding the Hon'ble Supreme Court judgment dated 04.11.2022 in Sunil Kumar B. vs. Others. This circular is issued in continuation of the earlier instructions vide above circulars.

2. Further, an online facility has been deployed and is available upto 03.05.2023 for receipt of the following through the employers:

- i. Application forms for validation of joint options from the employees who retired prior to 01.09.2014 and
- ii. Joint option forms from the employees who were members on 01.09.2014.

3. The application forms / joint option forms, as received will have to be scrutinised for the following:

- i. Approval of joint request to contribute to Provident Fund on actual (higher) pay, along with employers' undertaking to pay administrative charges on actual (higher) pay and contribution to provident fund as per the provisions of EPF Scheme, 1952.
- ii. Contribution to Pension Fund on actual (higher) pay as per the provisions of EPS, 1995.

4. The parameters on which the joint applications may be scrutinised could be (but not limited to):

- i. All information is provided in the applications / joint option and have been vetted and approved by the employer.
- ii. Form is not approved by the employer.

- iii. Complete information is not provided in the applications / joint options and has been vetted and approved by the employer.

5. Scrutiny of Category 4 (i) cases:-

- i. Applications / Joint options will be examined for completeness of provided record as per Para 3 of this circular by the Dealing Assistant. In case, the records are complete, the file will be marked to SS / AO with the comment that it is category 4 (i) case for further examination.
- ii. The concerned SS/AO will review and:-
 - a. if found in order, will forward the file with his comments to the APFC / RPFC-II. He will also make an entry in a list wherein each case, file number, category, name of the establishment and its status will be maintained.
 - b. if not found in order, will return the file with his comments to the DA to categorise it properly.
- iii. SS/ AO will also make an entry in a list wherein each case, file number, category, name of the establishment and its status will be prepared.
- iv. APFC / RPFC-II will scrutinise category 4 (i) cases and will get the wage details verified through Dealing Assistant, SS and AO with the data available with the field offices. The records of Form 3A(R) or 7(PS), Form 6A(R) or 8(PS), DCBR, Challans, Legacy data & ECR or any other relevant documents will be utilised for these purposes.
- v. The cases where FO details and employers' details match, the dues will be calculated and an order will be passed by APFC / RPFC-II / RPFC-I for depositing / transferring the dues. A separate circular will be issued for this purpose.
- vi. The cases where there is a mismatch, following process will be followed:-
 - a. The mismatch will be informed to the employer and the employee / pensioner by APFC / RPFC-II. They will be given a time of one month to complete the information.
 - b. In case, information is received, the steps mentioned at (iv) and (v) above will be followed.
 - c. In case, information is not received, the APFC/ RPFC-II will make recommendations on the basis of merit, based on which RPFC-I will pass relevant order.

6. Scrutiny of Category 4 (ii) cases:-

- i. In case submitted application form / joint option is not approved by the employer, the DA will categorise these as 4 (ii) cases and send it to SS/AO.
- ii. SS/AO will prepare the information draft to the member and the establishment and put up for orders of APFC /RPFC-II.
- iii. APFC /RPFC-II/RPFC-I will reject the cases and inform the members citing the reasons given by establishment for non-approval. However, before any such

rejection, an opportunity will be given to the employer for providing any additional proof or evidence or correct any mistakes / errors (including those made by employees / pensioners). Such opportunity will be for a period of one month and under intimation to the employees / pensioners.

7. Scrutiny of Category 4 (iii) cases: -

- i. In cases where submitted information is not complete or seems erroneous, the DA will prepare a list of all relevant information to be sought from the employer.
- ii. SS/AO will thereafter with his comments, get the orders of APFC/RPFC-II for seeking such information.
- iii. APFC/RPFC-II will seek information from the employers under intimation to the employees / pensioners within one month.
- iv. In case, complete information is not received within one month, the order will be passed on merit by the APFC /RPFC-II/RPFC-I.
- v. In cases where complete information is received, they will be scrutinised as per category 4 (i) cases.

8. There may be special circumstances requiring examination of the records of the establishments / trusts especially for rectification of wage details. In such cases, with due permission of RPFC-I, teams may be formed. This team may, if necessary, verify the details after giving due notice of seven days in advance as follows: -

- i. Sufficient number of teams (with one or more EOs / AOs along with one or more dealing assistant(s)) should be deputed to the establishments for verification of said wage details.
- ii. The team will verify the records of the employers/trusts in respect of only the concerned members/ pensioners as per the establishment wise list prepared.
- iii. Efforts should be made to get the details verified in respect of all members/ pensioners of an establishment in one go.
- iv. The teams shall submit their report to the APFC/ RPFC-II/RPFC-I who shall, after satisfying himself of the eligibility / non-eligibility of the member / pensioner, take final decision in the matter / pass speaking orders.

9. If an application /joint option is not found eligible, then an opportunity shall be given to pensioners/members and employers to submit the requisite evidences / details through the employers only. However, before any such rejection, an opportunity will be given to the employer for providing any additional proof or evidence or correct any mistakes / errors (including those made by employees / pensioners). Such opportunity will be for a time period of one month and under intimation to the employees / pensioners.

10. **Monitoring Mechanism:** Officer in-Charge of the concerned Regional office will send a weekly monitoring report to the respective Zonal Office in the format attached as **Annexure-A**. Zonal office will also report the aggregate position of the zones weekly to the Pension Division at Head Office.

11. **Grievance Redressal:** Any grievance by the applicant can be registered on EPFIGMS after submission of his request form and payment of due contribution, if any. The registration of such grievance shall be under specified category of higher pension with reference to Supreme Court Judgment dated 04.11.2022. All such grievances shall be addressed and disposed of at the level of Nominated Officer. Grievances will be monitored by the Officer in-Charge of Regional Office and Zonal Office.

[This issues with the approval of CPFC.]

Yours faithfully,


(Aprajita Jaggi)

Regional P.F. Commissioner-2 (Pension)

CC:-

1. PS to CPFC.
2. FA & CAO for kind information.
3. ACC (HQ) (Audit) for kind information.
4. ACC (HQ) (IS) for kind information.
4. All ACC (HQ)s and ACCs at H.O for kind information.
5. Rajbhasha Section for providing Version in Hindi.

ANNEXURE-A

REPORT OF PENDENCY OF JOINT OPTION FORMS														
ZONE NAME	TOTAL JOINT OPTION FORMS RECEIVED (1)	SCRUTINISED OUT OF (1)	PENDING FOR SCRUTINY OUT OF (1)	TOTAL JOINT OPTION FORMS PENDING WITH EMPLOYER (2)	TOTAL JOINT OPTION FORMS REJECTED BY EMPLOYER (3)	TOTAL JOINT OPTION FORMS RECEIVED IN ROs (4)	TOTAL JOINT OPTION FORMS REJECTED IN ROs (5)	TOTAL JOINT OPTION FORMS REJECTED IN ROs (5)	TOTAL JOINT OPTION FORMS PENDING FOR PAYMENT (6-4-5)	TOTAL JOINT OPTION FORMS RECEIVED (8)	TOTAL JOINT OPTION FORMS WHERE PAYMENT RECEIVED (9)	TOTAL JOINT OPTION FORMS FINALLY ACCEPTED (10 = 8)	TOTAL JOINT OPTION FORMS PENDING (11 = 7 - 8 - 9)	TOTAL AMOUNT RECEIVED (Rs in Crores) (12)

REPORT OF PENDENCY OF APPLICATION FORMS FOR VALIDATION OF JOINT OPTIONS														
ZONE NAME	OFFICE NAME	TOTAL APPLICATIONS RECEIVED (1)	SCRUTINISED OUT OF (1)	PENDING FOR SCRUTINY OUT OF (1)	TOTAL APPLICATIONS PENDING WITH EMPLOYER (2)	TOTAL APPLICATIONS REJECTED BY EMPLOYER (3)	TOTAL APPLICATIONS RECEIVED IN ROs (4)	TOTAL APPLICATIONS REJECTED IN ROs (5)	TOTAL APPLICATIONS PENDING FOR PAYMENT (7 = 6)	TOTAL APPLICATIONS RECEIVED (8)	TOTAL APPLICATIONS RECEIVED (INVALIDATED) (9)	TOTAL APPLICATIONS VALIDATED (10 = 8)	TOTAL APPLICATIONS PENDING (11 = 7 - 8 - 9)	TOTAL AMOUNT RECEIVED (Rs in Crores) (12)