

Wednesday, 12 April 2023

CIRCULAR

"JOINT OPTION" FOR HIGHER PENSION

Subject: "Implementation guidelines with reference to the Hon'ble Supreme Court judgement dated 4th November, 2022 in the matter of Employees' Pension Scheme, 1995 (EPS'95) and subsequent EPFO Circulars dated 29th December 2022, 5th January 2023, 25th January 2023 and 20th February 2023".

1. This has reference to the judgement of the Hon'ble Supreme Court dated 04.11.2022 regarding Employees' Pension Scheme-1995 (EPS-95) which is applicable to the EPS-95 members for the exempted establishments also as per paragraph 38, 39 & 44 (ii) of the judgement and Asian Paints circular on exercising "Joint Option for higher pension" dated 16th February 2023.
2. Subsequently, Employees Provident Fund Organization (EPFO) has issued a circular dated 20th February 2023 with instructions on submission of joint option under Para 11 (3) and Para 11(4) to the concerned Regional Provident Fund Office for **employees / ex-employees who continue to be the members of the EPS-95 as on 01-09-2014 and currently on service as on date or retired post 01-09-2014**. A copy of this circular dated 20th February 2023 is enclosed for ready reference.
3. The EPFO circular dated 20th February 2023 also mentioned that the method of deposit of differential contribution from PF Account to Pension Account and the method of computation of pension will follow through subsequent circular. **EPFO is yet to release the subsequent circular on method of deposit and method of computation of pension.**
4. In view of the above EPFO's circular dated 20th February 2023, the method of application for employees / ex-employees who continue to be members of EPS-95 as on 01-09-2014 and currently in service as on date or retired post 01-09-2014 stands modified. **Accordingly, the joint option application forms submitted by employees / ex-employees as per our circular dated 16th February 2023 in Annexure A or B (hard copy) shall not be considered by EPFO as EPFO has revised the method of application vide their circular dated 20th February, 2023. Accordingly, all eligible and willing employees / ex-employees need to reapply for the joint option application through an online process on EPFO Unified portal as per the procedure enclosed along with this circular.**
5. As per EPFO, all eligible and willing employees / ex-employees are required to submit the joint option application form for higher pension along with the required documents on EPFO-Unified portal by using the following link. Post the application from the employee / ex-employees, the same shall be approved by the employer in the EPFO-Unified Portal after due diligence for eligibility. The joint option application submission from the employees / ex-employees and approval by the last employer needs to be done **on or before 03rd May 2023**.

URL link (EPFO Unified Portal) - <https://unifiedportal-mem.epfindia.gov.in/memberinterface/>



6. In the above-mentioned URL link, EPFO has provided two separate options under the “Important Links” tab for exercising the Joint Option Application for higher pension under EPS – 95.
- for the employees who retired prior to 01.09.2014 and
 - for the employees who were in service prior to 01.09.2014 and continued to be in service after 01.09.2014.
7. While submitting the Joint Option application on EPFO Unified Portal, EPFO has sought the following documents to be uploaded by the employees / ex-employees:
- For employees / ex-employees who continue to be the members of EPS-95 as on 01-09-2014 and currently in service as on date or retired post 01-09-2014**
 - Permission under para 26(6) of the EPF Scheme (*pdf file of size 250 kb is allowed*)
 - Undertaking to deposit the contributions along with interest due till the date of payment through last employer (*only when PF account has no/insufficient balance*).
 - Documentary proof of PF account balance on the date of filing option (*pdf file of size 250 kb is allowed*)
 - For ex-employees who retired prior to 1st September 2014 , the following documents to be uploaded in addition to the above mentioned documents in Clause 7 (a) (i, ii and iii).**
 - Exercised joint option under the proviso to Para 11(3) of the pre-amendment scheme while being members of EPS 95; **AND**
 - The exercise of such option was declined by PF authorities.
8. We are hereby sharing the documents which can be uploaded against the required fields as mentioned above while submitting the Joint Option online:
- For “Permission under para 26(6) of EPF Scheme, 1952” as per above Clause 7 (a) (i)
 - Upload Annexure IA** – Asian Paints Office Provident Fund Trust (*This annexure is to be used by employees / ex-employees who are the members of Asian Paints Office PF Trust i.e. MH/4631 as mentioned in PF Slip*)

or

 - Upload Annexure IB** – Asian Paints Factory Employees Provident Fund Trust (*This annexure is to be used by employees who are the members of Asian Paints Factory Employees PF Trust i.e. MH/5439 as mentioned in PF Slip*)



b. For “Undertaking to deposit the contributions along with interest due till the date of payment through last employer (only when PF account has no/insufficient balance)” as per above Clause 7 (a) (ii)

i. Fill and Upload a signed **Annexure II** – Undertaking by Member.

c. For “Documentary proof of PF account balance on the date of filing option” as per above Clause 7 (a) (iii).

On roll employees in cadre Executive and above across both the PF trusts need to generate PF statement as per the below mentioned procedure:

- i. Log in to IMPREST portal using your log-in credentials
- ii. Generate PF balance statement as on 31st March 2023.
- iii. Mention the amount shown as the total of closing PF balance as on 31st March 2023 in the above generated statement.
- iv. Attach the generated PF statement as a documentary proof of PF account balance as per above Clause 7 (a) (iii).

On roll employees in operator / team member / sub staff cadre need to contact respective Plant / Business HR Manager for PF statement as on 31st March 2023.

Ex-employees who have not withdrawn their PF amount from the respective Asian Paints PF Trust can send an e-mail to samparkhelpdesk@asianpaints.com for PF statement as on 31st March 2023.

Kindly note that EPFO has not released any exact guidelines of formats to be used for undertaking / other documents to be attached along with the application. The format's suggested above are based on assessment of industry practice adopted for the process. The application from the employees and sufficiency of the documents / undertaking submitted shall be subject to scrutiny and acceptance by EPFO.

For employees / ex-employees who worked in other organizations prior to joining Asian Paints Limited and were contributing PF on actual salary / wages instead of per prevailing wage ceiling under the Act, need to provide a copy of the "Permission under para 26(6) of EPF Scheme, 1952" from their previous organization as mentioned above on point no. 7(a)(i) and upload along with Annexure IA / IB.

The above undertakings are subject to acceptance by EPFO / RPFC and any clarification(s) / guideline(s) / circular(s) issued by EPFO from time to time, including refilling of the undertaking in the format as issued by EPFO or filling an online form on the website of EPFO.

9. A process note document with the relevant stepwise screenshots has been attached along with this circular to help the employees / ex-employees to navigate through the Joint Option application submission process through the URL link on the EPFO Unified Portal.





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10. Considering the time required to complete multiple process steps involved at the employers' end post employee / ex-employee application, all eligible and willing employees / ex-employees are requested to submit the Joint option on or before **21.04.2023 (Friday) in the EPFO Unified Portal using the URL** as shared in the above point no.5.
11. It may be noted that the acceptance and approval of joint option application by EPFO is subject to scrutiny and clearance from EPFO. Therefore, mere submission of the online Joint Option application form by eligible and willing employees / ex-employees does not confer any right to receive or cast obligation on the Company to pay higher pension to them.
12. Further, employees / ex-employees are advised to **read and understand the disclaimers and declarations** mentioned in the online portal before submitting the joint option application. As per available information, the joint option application for higher pension is irrevocable in nature, and in case if any employee opts for the higher pension scheme by submitting an application, then the same cannot be withdrawn. Hence, **employees / ex-employees are suggested to apply caution while submitting the application.**
13. In respect of queries, employees / ex-employees may write to samparkhelpdesk@asianpaints.com. Operators / Team members at Plants can contact the respective Plant HR.

For Asian Paints Limited,

A handwritten signature in black ink, appearing to read 'Dinesh', with a long horizontal line extending to the right.

Human Resources

