

राष्ट्रीय बीज निगम लिमिटेड
(भारत सरकार का उपक्रम-
मिनिरात्र कम्पनी)
बीज भवन, पूसा परिसर
नई दिल्ली -110 012
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NATIONAL SEEDS CORPORATION LIMITED
(A Government of India Undertaking-
Miniratna Company)
(CIN : U74899DL1963PLC003913)
"An ISO 9001:2008 & 14001:2004 Company"
BEEJ BHAWAN, PUSA COMPLEX, NEW DELHI-110 012
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No : 1-13/NSC-EPF/2018-19

July 21, 2018

Circular

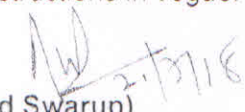
Sub: Allowing members of the EPS'95 the benefit of the actual salary in the Pension fund exceeding wage limit of either Rs. 5000/- or Rs. 6500/- per month from the effective date respectively as per the Hon'ble Supreme Court's Order in civil Appeal No (S)10013-10014 of 2016 arising of SLP No. 33032-33033 of 2015-reg

Corporation is receiving various representation / requests from the retired employees of the NSC with regard to above mentioned subject for forwarding the same to EPFO.

In this context, attention of the all concerned is invited to the item no. 05 of the Circular No. Pension - 1/12/33/EPF Amendment/96Vol-II dated 31.05.2018 issued by the EPFO (Copy Enclosed) wherein EPFO has clearly indicated that in the case of exempted establishment the Provident Fund are managed by separate legal entities. The Provident Fund of employees of exempted establishments are managed by Exempted Trusts and Pension Fund is managed by EPFO. As such, adjustment of contribution from Provident Fund Account to Pension Account as contemplated in the judgment is not possible.

Now, it is brought to the notice of all concerned employees / ex- employees of the Corporation (NSC/ SFCI) that in view of said Circular, Corporation is unable to take such requests for further action at EPFO. Accordingly, all the references made to this office on the issue of revision of pension on higher wages are stand disposed off. No individual reply will be made in this regard. Further, in case of any development in the matter for allowing employees / ex employees of the Corporation in future, fresh application shall be called for further submission to EPFO in accordance with the instructions in vogue.

Encl: As above


(Anand Swarup)
Secretary, EPF Trust
NSC Ltd.

Copy to:

1. The All Regional Managers & Head of the Farm – with the request that contents of the circular may be brought to the knowledge of ex employees of their region and also display the circular on notice board.
2. The PS to CMD – for information please.
3. The PS to Chairman B/T - for information please.
4. The APS / SPA / PA to S.GM (HR), SGM (Pro) & (MM), SGM (F), CVO, Addl GM (W), Addl GM (M), Addl GM (QC), CS, DGM (Engg) for information please.
5. The Incharge, IT Section, NSC, New Delhi – to upload the circular in website prominently.
6. Notice Board NSC Head Office, New Delhi.



कर्मचारी भविष्य निधि संगठन
(अम सूच दीनाम संसाधन, प्रदात संकाय)
EMPLOYEES' PROVIDENT FUND ORGANISATION

(Ministry of Labour & Employment, Govt. of India)

मुख्य कार्यालय / Head Office

पविष्य निधि भवन, 14-भोकाजी कामा प्लेस, नई दिल्ली-110 066

Bhavishya Nidhi Bhawan, 14, Bhikaiji Cama Place, New Delhi - 110 066.

No: Pension-I/12/33/EPS Amendment/96 Vol.II

Dated:

To,

All ACCs (Zonal Offices)
All Regional P.F. Commissioner (In-Charge of Regions),
All officers-in-charge of SROs.

4432
31 MAY 2017

Subject:- Allowing members of the EPS'95 the benefit of the actual salary in the Pension Fund exceeding wage limit of either Rs. 5000/- or Rs. 6500/- per month from the effective date respectively, per the Hon'ble Supreme Court's order in Civil Appeal NO(S) 10013-10014 of 2016 arising out of SLP No. 33032-33033 of 2015 - reg.

Sir,

Please arrange to refer this office letter No. Pension-I/12/33/EPF/Amendments/96/Vol-I date 23.03.2017 on the above cited subject. Many references have been received from field offices to confirm the aforesaid circular dated 23.03.2017 is applicable to employees of EPF exempted establishments. In this context, it is informed as under:

- i. Approval to comply with the order of the Hon'ble Supreme Court in the matter of Shri R.C. Gupta and others is only in respect of the Provident Fund & Pension members whose accounts are maintained by EPFO and whose P.F. Contribution on higher wages has been received by EPFO.
- ii. All the appellant employees in the aforesaid case before the Hon'ble Supreme Court were from unexempted establishment i.e. an establishment making P.F. contributions in the statutory Provident Fund managed by EPFO. The Employer's contribution of 12 % under the Act in respect of the said employees was on actual salary and not on the ceiling limit of either Rs.5,000/- or Rs.6500/-.
- iii. Exercise of option under Para 26 (6) of the EPF Scheme, 1952 is a precursor to exercise of option under proviso to clause 11 (3) of the pension scheme. The appellant employees in the aforesaid case had exercised option under para 26 (6) of the EPF Scheme and contribution on full salary was received in the statutory Provident Fund.
- iv. Employees' Pension Scheme remittances are being made by the establishments and not by the exempted Trusts. As such if establishments with exempted trusts are allowed to make balance remittances on full salary to the Employees Pension scheme afresh, the same will have to be considered for unexempted establishments also. It is not contemplated in the judgment.

In the case of exempted establishment the Provident Fund and Pension Fund are managed by separate legal entities. The Provident Fund of employees of exempted establishments are managed by Exempted Trusts and Pension Fund is managed by EPFO. As such, adjustment of contribution from Provident Fund Account to Pension Account as contemplated in the judgment is not possible.

The matter was placed in the 40th PEIC meeting. As decided in the 40th meeting of the PEIC the matter will be placed before the CBT. In the interim, it is advised that no member of EPS, 95 whose contribution on full salary has not been received in the account of the EPFO at the respective periods of contribution, shall be eligible for the benefits contemplated in the judgment as per the aforesaid Hon'ble Supreme Court order.

(This issues with the approval of CPFC)

Yours faithfully,


(Mukesh Kumar)

Regional PF Commissioner-1 (Pension)