



एमएसटीसी लिमिटेड

(भारत सरकार का उपक्रम)

**MSTC LIMITED**

(A Govt of India Enterprise)

CIN : L27320WB1964GOI026211

e-assuring  
**INDIA**

April 21, 2023

**CIRCULAR**

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

1. This has reference to the Hon'ble Supreme Court Order under reference, circular issued by EPFO dated 20.02.2023 on the subject.
2. EPFO vide its Circular no. Pension/2022/56259/16541 dated 20.02.2023 has enabled the URL on its website for exercising joint option for higher pension for employees who were members prior to 01.09.2014 and continue to be members on or after 01.09.2014.
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 website:
  - a) Permission required under clause 26(6) of EPS scheme for contribution on actual wages;
  - b) PF account balance on the date of filing option and relevant documentary proof for the same; and
  - c) Undertaking by the member to deposit the contribution along with interest due till the date of payment.
4. In view of above, it has been decided that the following documents may be uploaded by interested & eligible members, against the above requirement as given below:
  - i) Certificate, as per Annexure – I, to be submitted in lieu of permission required under clause 26(6) of EPS scheme. The certificate in the given format, will be made available to the eligible employees / ex-employees by PF trust on the company's website. The same would then have to be uploaded by interested & eligible members.
  - ii) The PF Account balance statement as on 31.03.2022 for on-roll employees as has been already distributed by Metal Scrap Trade Corporation Ltd. Contributory Provident Fund Trust.
  - iii) Duly filled-in & signed undertaking as per Annexure – II.

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

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

5. Interested and eligible members are advised to strictly follow the EPFO guidelines while submitting online joint option. 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.

[www.mstcindia.co.in](http://www.mstcindia.co.in) / [www.mstcecommerce.com](http://www.mstcecommerce.com)

देबासिस घोषाल Debasis Ghosal

अपर महाप्रबंधक (वित्त एवं लेखा) Addl. General Manager (F&A)

पंजीकृत कार्यालय : प्लॉट सं. सीएफ 18/2 मार्ग सं. 175 एक्शन एरिया 1 सी न्यूटाउन कोलकाता-700156

Regd. Office : Plot No. CF18/2, Street No. 175, Action Area 1C, New Town, Kolkata-700156 WB

(भारत सरकार का उपक्रम) A Govt. of India Enterprise  
कोलकाता Kolkata

6. Physical Joint declaration Form will also be made available to all the interested & eligible members shortly.
7. Further details with regard to directions/ guidelines on EPS-95 will be made available on MSTC website from time to time. All members are advised to keep themselves updated on any further instructions being issued by EPFO in this regard.

**Debasis Ghosal****Additional General Manager (F&A)**

देबासिस घोषाल Debasis Ghosal  
अपर महाप्रबंधक (वित्त एवं लेखा) Addl. General Manager (F&A)  
एमएसटीसी लिमिटेड MSTC Limited  
(भारत सरकार का उपक्रम) A Govt. of India Enterprise  
कोलकाता Kolkata

**Enclosures:**

1. EPFO Circular No. Pension/2022/56259/16541 dated 20/02/2023
2. Certificate in lieu of permission required under clause 26(6) of the EPF Scheme (Annexure – 1)
3. Format of Undertaking by the applicant for Higher Pension (Annexure – 2)



ईपीएफओ, मुख्य कार्यालय  
श्रम एवं रोज़गार मंत्रालय, भारत सरकार  
भविष्य निधि भवन, 14, भीकाजी कामा प्लेस, नई दिल्ली 110066



EPFO, HEAD OFFICE

MINISTRY OF LABOUR & EMPLOYMENT, GOVERNMENT OF INDIA  
BHAVISHYA NIDHI BHAWAN, 14, BHIKAJI CAMA PLACE, NEW DELHI 110066

[www.epfindia.gov.in](http://www.epfindia.gov.in)

No. Pension/2022/56259/16541

Date: 20.02.2023

To

20 FEB 2023

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

**Sub: Instructions in compliance of orders contained in Para 44 (iii) & (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.**

Madam/ Sir,

In compliance of the above said orders of the Hon'ble Supreme Court and directions of the Central Government, it is directed as under:

2. The field offices should implement the directions contained in Para 44(iii) & (iv) read with Para 44(v) of the judgement dated 04.11.2022 of the Hon'ble Supreme Court within the stipulated timeline.
3. As may be seen, the Hon'ble Supreme Court has pronounced judgement dated 04.11.2022 in the matter of Special Leave Petition (C) Nos. 8658-8659 of 2019. The relevant directions of the Court with respect to the above-mentioned subject are as follows:

**"44 (iii) The employees who had exercised option under the proviso to paragraph 11(3) of the 1995 scheme and continued to be in service as on 1st September 2014, will be guided by the amended provisions of paragraph 11(4) of the pension scheme".**

**"44(iv) The members of the scheme, who did not exercise option, as contemplated in the proviso to paragraph 11(3) of the pension scheme (as it was before the 2014 Amendment) would be entitled to exercise option under paragraph 11(4) of the post amendment scheme. Their right to exercise option before 1st September 2014 stands crystallised in the judgment of this Court in the case of R.C. Gupta (supra). The scheme as it stood before 1st September 2014 did not provide for any cut-off date and thus those members shall be entitled to exercise option in terms of paragraph 11(4) of the scheme, as it stands at present. Their exercise of option shall be in the nature of joint options covering pre-amended paragraph 11(3) as also the amended paragraph 11(4) of the pension scheme. There was uncertainty as regards validity of the post amendment scheme, which was quashed by the aforesaid judgments of the three High Courts. Thus, all the employees who did not exercise option but were entitled to do so but could not due to the interpretation on cut-off date by the authorities, ought to be given a further chance to exercise their option. Time to exercise option under paragraph 11(4) of the scheme, under these circumstances, shall stand extended by a further period of four months. We are giving this direction in exercise of our jurisdiction under Article 142 of the Constitution of India. Rest of the requirements as per the amended provision shall be complied with".**

*"44 (v) The employees who had retired prior to 1st September 2014 without exercising any option under paragraph 11(3) of the pre-amendment scheme have already exited from the membership thereof. They would not be entitled to the benefit of this judgment."*

4. Accordingly, **the employees who did not exercise option** as contemplated in the proviso to paragraph 11(3) of the Pension Scheme (as it was before the 2014 Amendment) would be entitled to exercise joint option under erstwhile para 11(3) & existing para 11(4) within the aforesaid extended period of four months. The employees who had exercised option under Para 11(3) of EPS 1995 and continued to be in service on or after 01.09.2014 will be guided by the amended provisions of paragraph 11(4) of the pension scheme, i.e. if they had not exercised the option within the time specified under Para 11(4), such employees shall not be eligible to exercise option within the extended period of four months.

5. Therefore, in compliance of the Hon'ble Supreme Court judgement dated 04.11.2022, following employees with their employers may submit joint option under para 11(3) and 11(4) to the concerned Regional Office:

- i. The employees and employers who had contributed under paragraph 26(6) of EPF Scheme on salary exceeding the prevalent wage ceiling of Rs 5000/- or 6500/-; and
- ii. did not exercise joint option under the proviso to Para 11(3) of the pre-amendment scheme (since deleted) while being members of EPS,95; and
- iii. were members prior to 01.09.2014 and continued to be a member on or after 01.09.2014.

6. The manner in which such employees would apply to the concerned Regional Office is as follows:

- i. The request will be made in such form and manner, as may be specified by the Commissioner.
- ii. The joint option will contain the disclaimer and declaration as may be specified therein.
- iii. In case of share requiring adjustment from Provident Fund to Pension Fund, and if any re-deposit to the fund, explicit consent of the employee will be given in the joint option form.
- iv. In case of transfer of funds from exempted provident fund trust to pension fund of EPFO, an undertaking of the trustee shall be submitted. The undertaking shall be to the effect that due contribution along with interest up to the date of payment, will be deposited within the specified period.
- v. In case of employees of unexempted establishments, refund of requisite employer's share of contribution, the same shall be deposited with interest at the rate declared under Para 60 of EPF Scheme, 1952, till the date of actual refund.
- vi. **The method of deposit and that of computation of pension will follow through subsequent circular.**
- vii. Aforesaid joint option must contain 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 duly verified by the employer.

7. The above application forms when received in the time period specified in the Joint Option Form will be dealt with in the following manner by the Regional P.F. Commissioner:

- i. A facility will be provided for which URL will be informed shortly. Once received, the Regional P. F. Commissioner shall put up adequate notice on the notice board and banners for wider public information.
- ii. Each application will be registered and digitally logged. The receipt number will be provided to the applicant.
- iii. The application will land into the employer's login whose verification with Digital Signature/ e-sign will be essential for further processing.
- iv. RPFC will cause each application to be converted into e-file, as far as possible.
- v. The concerned dealing assistant will examine the papers including the note on receipt of due amount in the Pension Fund, and mark the case to Section Supervisor / Account Officer.
- vi. The concerned SS / AO will mark out discrepancies, if any and send it after due examination, with the rule position to APFC / RPFC-II for deciding the case.
- vii. The concerned APFC/RPFC-II shall examine each case of joint option on higher salary and the decision shall be intimated to the applicant through e-mail/post. Efforts will be made to intimate them through telephone/SMS also.

8. Officer-in charge of the concerned Regional Office will send a weekly monitoring report to the respective zonal office. Zonal Office will also report the aggregate position of the zones weekly to the Pension Division at Head Office.

9. Any grievance by the applicant can be registered on EPFiGMS after submission of his joint option 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.

10. These directions are issued in compliance of the judgement dated 04.11.2022 of Hon'ble Supreme Court for immediate implementation.

11. This circular is being issued in addition to earlier instructions dated 29.12.2022 & 05.01.2023 issued on this subject.

[This issues with the approval of CPFC.]

Yours faithfully,

(Aprajita Jaggi)

Regional PF Commissioner-I (Pension)

**Copy To:**

1. PS to Secretary to the Government of India, Ministry of Labour and Employment.
2. Under Secretary to the Government of India, Ministry of Labour & Employment with reference to letter No. R-15011/03/2022-SS-II dated 15.02.2023.
3. PS to CPFC.
4. All ACCs HQ and ACCs at H.O for information & necessary action. Further for online applications, URL may please be informed to field offices by ISD.
5. Rajbhasha section for providing Version in Hindi.



METAL SCRAP TRADE CORPORATION  
LTD. CONTRIBUTORY PROVIDENT FUND

C/O, MSTC LIMITED

(A Govt. of India Enterprise)

April 21, 2023

Annexure-1

**Certificate in lieu of permission required under clause 26(6) of the EPF Scheme**

This certificate is being issued to the employees/ex-employees of MSTC Limited as per the requirement mandated vide EPFO Circular No Pension/2022/56259/16541 dated 20 February 2023.

As per clause 6(vii) of this circular, members are required to submit the proof of remittance of employer's share in Provident Fund or higher wages exceeding the prevalent wage ceiling and proof of joint option under Para 26(6) of EPF Scheme.

MSTC LTD CPF Trust, is an exempted Provident Fund Trust had received exemption under Para 27A of the EPF & MP Act 1952 and the rules of MSTC LTD CPF Trust is duly approved by the EPFO.

We hereby certify that the employees/ex-employees of MSTC LTD are/were members of the MSTC LTD CPF Trust, an exempted Provident Fund Trust which has received exemption under para 27A of the Employees Provident Fund Scheme, 1952.

As per the approved rules of the MSTC LTD CPF Trust Rule 11(A)- members contribution and Rule 11(B)- Company's contribution, the employer and employee have been contributing to Provident Fund on full/actual wages salary ever since the employee becoming a member of the Fund. It is further certified that inspection charges are being paid on actual wages and accounts of MSTC LTD CPF Trust, are being audited by EPFO from time to time.

MSTC LTD employees are therefore, fulfilling criteria stipulated in EPFO circular dated 20.02.2023 and are eligible for exercising option for higher pension. This certificate is being submitted as a proof of remittance of employer's share in Provident Fund on higher wages exceeding the prevalent wage ceiling and proof of joint option under Para 26(6) of Employees' Provident Fund Scheme, 1952 so enable the members to submit their option for higher pension.

For & on behalf of **For Metal Scrap Trade Corporation Ltd.**  
Metal Scrap Trade Corporation Ltd Contributory Provident Fund Trust

  
Trustee

  
Trustee

[www.mstcindia.co.in/www.mstcecommerce.com](http://www.mstcindia.co.in/www.mstcecommerce.com) पंजीकृतकार्यालय: प्लॉटसं. सीएफ18/2, मार्गसं. 175, एक्शनएरिया 1सी ,  
न्यूटाउन ,कोलकाता - 700 156, प.ब. भारतफोन: 91-33-2340-0000/0011/0012/0013 Regd. Office: Plot No. CF18/2, Street No. 175, Action Area 1C, New  
Town, Kolkata - 700 156, W.B. INDIA Phone: 91-33-2340-0000/0011/0012/0013

**UNDERTAKING**

To,

MSTC Limited

And

Metal Scrap Trade Corporation Ltd. Contributory Provident Fund

BOTH at Plot no.CF-18/2, Street No.175, Action Area 1C

New Town, Kolkata – 700156 (West Bengal)

I, \_\_\_\_\_, (Son/Daughter/Wife) of \_\_\_\_\_, presently residing at \_\_\_\_\_, and (retired from / currently working in) M S T C Limited 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 including as it was before the amendment of 2014.
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 be able to withdraw or modify my option once exercised, unless otherwise permitted by the Employees Provident Fund Organization 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 from time to time.
5. I undertake and agree to make payment of the due contribution along with interest up to the date of payment with Metal Scrap Trade Corporation Ltd. Contributory Provident Fund Trust for deposit 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 Metal Scrap Trade Corporation Ltd. Contributory Provident Fund Trust or MSTC Limited without any delay or demur.
6. In case, where MSTC Limited is required to make any payment on my behalf to EPFO owing to failure on my part to contribute the amount pursuant to joint option exercised by me under para 11(3) & 11(4) of the Pension Scheme, I hereby permit MSTC Limited and/or Metal Scrap Trade Corporation Ltd. Contributory Provident Fund Trust to recover any due payments to the Employee Provident Fund Organisation in relation to the Pension Scheme from any dues to me from MSTC Limited.
7. I will not hold MSTC Limited or Metal Scrap Trade Corporation Ltd. Contributory Provident Fund Trust responsible or liable in any manner whatsoever for any act, commission, or omission on the part of MSTC Limited or Metal Scrap Trade Corporation Ltd. Contributory Provident Fund Trust in relation to my exercise of joint option under the Pension Scheme.

8. I agree that Metal Scrap Trade Corporation Ltd. Contributory Provident Fund Trust and/or MSTC Limited shall be entitled to initiate appropriate proceedings for recovery of any amount due in relation to aforesaid.

Signature

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Name of [Employee/Retired Employee]

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Employee TKT No.

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Address

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Mobile No.

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UAN No.

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PF/EPS No.

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PPO No.

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E-mail

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**Witnesses:**

1. Signature

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Name

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Mobile No

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Address

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2. Signature

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Name

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Mobile No

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Address

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