

GARDEN REACH SHIPBUILDERS & ENGINEERS LTD.

GM (HR&A)'s Office

Ref: HR/Estt./ 32 /23

Date: 07 Feb 2023

C I R C U L A R

IMPLEMENTATION OF GUIDELINES WITH RESPECT TO THE HONOURABLE SUPREME COURT ORDER DATED 04.11.2022 IN THE MATTER OF EPS, 1995

1. Hon'ble Supreme Court in Civil Appeals Nos. 008143-008144 of 2022 arising out of Special Leave Petition (C) Nos.8658-8659 of 2019 in the matter of the Employees Provident Fund Organisation and Another vs Sunil Kumar B and Others has pronounced judgement dated 04 Nov 2022.
2. The Hon'ble Court interalia had directed that amendment to the pension scheme brought about by EPFO notification no. GSR 609 (E) dated 22 Aug 2014 shall apply to the employees of the exempted establishments in the same manner as the employees of regular Establishments and time to exercise option under paragraph 11 (4) of the EPS, 1995 shall be extended for a further period of 04 months. Therefore, employees of GRSE Ltd. are also eligible for submission of Joint Option Form for availing pension on actual/higher salary.
3. The employees, who had attained the age of 58 years prior to 01 Sep 2014 without exercising any option under paragraph 11 (3) of the pre-amendment scheme, have already exited from the membership therefore they would not be entitled to the benefit of this judgment.
4. Employees, who have not attained the age of 58 years as on 01 Sep 2014 or members of EPS, 1995 as on 01 Sep 2014, only are eligible for submission of Joint Option Form under Para 11(3) of the EPS,1995 Scheme.
5. All working/retired/superannuated/resigned/VRS employees of the Company, who are/were members of the EPS,1995 Scheme as on 01 Sep 2014 and are willing to exercise contribution on actual wages in pension fund under EPS,1995, are hereby required to fill and submit requisite **Joint Option Form** and declaration (**Annexure-A &B**) to get the benefit of Pension on actual salary as directed by the Hon'ble Supreme Court.
6. Further new employees, who are not member of EPS,1995 i.e. who have joined service initially on or after 01 Sep 2014, are not required to exercise this joint option.

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7. The option form in triplicate duly signed in original (hard copies) shall be submitted in envelop earmarked as "Joint Option EPS,1995" to HR Department, Main Unit, GRSE Ltd, Kolkata.
8. The working employees posted in DEP, Ranchi and other Regional Offices may submit their option form through speed post/courier.
9. Similarly, retired/superannuated/resigned/VRS employees may submit their option form by hand or through speed post/courier to HR Department, Main Unit.
10. On acceptance of options of the employees/ex- employees by the concerned Regional PF Commissioner, 8.33% share of employers on such higher salary along with interest prescribed to be remitted to the Pension Fund.
11. Employees/ex-employees are liable to pay any shortfall in employer contribution to be remitted on account of opting joint option for higher pension under EPS,1995.
12. The Joint Option Form shall be subject to acceptance by EPFO as per rules.
13. Every employee/ex-employee, who had joined GRSE Ltd. from any other organization in which he/she was member of EPS,1995 Scheme, should fill **Annexure-C** for every previous organization.
14. The option exercise is irrevocable at later date and no change of option shall be entertained under any circumstances.
15. The Joint Option Form duly filled in every manner should be submitted by concerned employee/ex-employee to the HR Department, Main Unit mentioned hereinabove latest by **20 Feb 2023**.
16. A letter has been written to EPFO seeking guidelines & methodology for submission of Joint Option Form and remittance of balance contribution along with interest. Any formality and obligation prescribed by the EPFO shall be complied by the employees/ex-employees opting for option of pension on higher wages.
17. All efforts shall be made to submit the Joint Declaration of willing employees with EPFO within the time-line prescribed in the SC Judgement. As per the SC Judgement, payment of arrears shall follow the submission of joint declaration and arrears shall have to be remitted within timeline, if any, prescribed by EPFO in this regard. Accordingly, ex-employees who would exercise the option now and who have already withdrawn the Provident Fund from GRSE




Employees Provident Fund Trust shall have to arrange the fund for payment of arrears to EPFO, within prescribed time. Mode and manner of deposit of arrears shall be informed in due course in consultation with EPFO. Ex-employees / EPS, 1995 Pensioners may also note that revision in EPS, 1995 Pension may take considerable time as the pension payment under EPS, 1995 is done by the concerned office of the EPFO and is not in the control of GRSE.

18. These instructions are subject to directions/instructions of EPFO and / or decision of court of law (if any) issued from time to time in this regard.

19. It may be noted that this Circular is being issued for implementation of the Hon'ble Supreme Court Judgement only to adhere to the time limit and is subject to any ratifications(s) / guideline(s) that may be issued by EPFO from time to time and / or any judicial pronouncements / statutory amendments without committing to any one whosever that he / she may be eligible for higher pension. Therefore, mere submission of the Joint Option Form by employees / ex-employees does not confer any right to receive or obligation on GRSE to pay higher pension to them. In the event EPFO issues any new /clarificatory Circular enabling the rest eligible employees to apply for higher pension, necessary Circular will be issued accordingly, which may override this Circular.

20. All HsOD may bring the contents of this Circular to the notice of employees / ex-employees. Further, for the benefit of ex-employees, this Circular is also posted in GRSE Website.

21. Concerned Department/ Section / Offices may take necessary actions accordingly.


7/02/2023
(S Srinivas)
General Manager (HR&A)

Enclo. Annexure A, B & C.

Copy to:

c.c. : All CGMs / GMs
: All AGMs / DGMs / HODs
: All Notice Boards of all Units
: File.

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