

**HOUSING AND URBAN DEVELOPMENT CORPORATION LTD.
7A, HUDCO Bhawan, IHC, LODHI ROAD, NEW DELHI – 110003**

No.F.10(10)/2023-HRD

Dated: 06th April, 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 in the matter of Special Leave Petition (C) Nos. 8658-8659 of 2019

1. This has reference to the Hon'ble Supreme Court Order under reference; Circular issued by EPFO dated 20.02.2023 and HR Wing's Circular dated 08.02.2023, 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) CPF account balance on the date of filing option and relevant documentary proof for the same.
 - 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 HUDCO CPF Trust. The same would then have to be uploaded by interested & eligible members.
 - ii) The CPF Account balance statement as on 31.03.2022 for on-roll employees and the final settlement CPF statement issued by HUDCO CPF Trust at the time of separation in case of eligible ex- employees.
 - iii) Duly filled-in & signed undertaking by the members, as per **Annexure-II**
5. Interested and eligible members are advised to strictly follow the EPFO guidelines while submitting online joint option and are requested to submit the same, at the earliest, preferably by 24.04.2023, 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.



6. Further details with regard to directions/guidelines on EPS-95 will be made available on HUDCO Website/Intranet from time to time. All members are advised to keep themselves updated on any further instructions being issued by EPFO In this regard. For any queries/help, members can contact the CPF Trust/HR Wing, in this regard.
7. It may be noted that since the computation for higher pension has not been shared by EPFO authorities till date, there is likelihood that monthly pension amount which has been shared/projected by HUDCO might undergo change. As we understand the option once exercised may be irrevocable and therefore due caution needs to be exercised by the employees/ex-employees while exercising the option.



(H.T. Suresh)
Executive Director(HR)



- Encls:-
- 1) Certificate in lieu of Para 26(6) of the EPF Scheme, 1952 for contribution on actual wages.
 - 2) Format of Undertaking to deposit the contributions along with interest due till the date of payment.

All eligible employees/ex-employees

Copy to:

1. JGM(P), CMDO
2. AGM(S) to DCP
3. AGM(S) to DF
4. JGM(L), CVD
5. Circular File
6. SM(IT), IT Wing - for placing on HUDCO's Website /Intranet

Permission Certificate in lieu of Para 26(6) of the EPF Scheme, 1952

This certificate is being issued to the employees complying with the requirement mandated vide EPFO circular No. Pension/2022/56259/16541 dated 20th Feb, 2023 for online submission of Joint Option Form provided at EPFO's website. As per clause 6(vii) of this circular, employees have been advised to submit 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 EPF scheme.

M/s Housing and Urban Development Corporation Limited, HUDCO Bhawan, India Habitat Centre, Lodhi Road, New Delhi-110003 under code no DL/6349 in Regional Office, Delhi(Central) has been granted exemption under para 27A read with section 17(2) of the Employees Provident Fund Scheme, 1952 vide notification no S-35015/113/2014-SS-II dated 11th May, 2015 w.e.f 01.05.1988.

As per the Employees Provident Fund Rules and Regulations submitted to The Secretary, Ministry of Labour & Employment, GOI through The Regional Provident Fund Commissioner, Regional Office(North) along with HUDCO's application dated 12th November, 2013 for exemption from the operation of the Employees' Provident Funds Scheme, 1952 under section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 and hence duly approved by EPFO, employer and employee have been contributing to PF on higher actual wages and the extract of trust rules is given below :

Rule 10 – Contribution of Members:-

(a) Every member shall subscribe to the Fund every month a sum equal to 12% of the total of his monthly basic pay, D.A. and retaining allowance, if any.

Rule 11 – Employer's contribution to the Fund:-

(c) The contribution shall be calculated on the basis of the basic wages, dearness allowance (including the cash value of any food concession) and retaining allowance (if any) actually drawn during the whole month whether paid on weekly, fortnightly or monthly basis."

The establishment has been complying with Rule 10 and 11 of the trust and provident fund contribution of the members at 12% of actual wages have been deducted from their wages/salaries and credited to the members' individual PF account. Further, the employer's contribution at 12% on actual wages /salaries also have been credited to Provident Fund along with members contribution under Rule 10 of the Trust by which we have been complying with the Rule 26(6) of the Provident fund Scheme, 1952.

As per the said provident fund rule 10 and rule 11 of the Trust, the permission has already been granted through the Provident Fund Rules of the trust for contributing on actual wages/salary. It is also evident that our establishment (Employer) is also contributing on full wages/salary and required administrative (or) inspection charges have been depositing with EPFO Authority since then and the Trust accounts were being audited by the EPFO from time to time. Under these circumstances, the provisions of para 26(6) of the EPF scheme, 1952 have been complied with by the establishment.

Shailu Bhardwaj
न्यास सचिव/Trust Secretary Trust Secretary
हुडको कर्मचारी अंशदायी न्याय निधि द्वारा
HUDCO Employees CPF Trust
हुडको भवन, आई.एच.सी. लोधी रोड
HUDCO Bhawan, IHC, Lodhi Road
नई दिल्ली / New Delhi-110 003



Annexure-II

UNDERTAKING

To

Housing and Urban Development Corporation Limited,
AND
HUDCO Employees CPF Trust,
BOTH at
IHC, Lodhi Road, New Delhi – 110 003.

I, _____ [Son/Daughter/Wife] of _____, presently residing at _____, and [retired from/currently working in] Housing and Urban Development Corporation Ltd. 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 judgement dated 04.11.2022 (in SLP(C) Nos.8658-8659 of 2019).
3. Pursuant to the aforesaid judgement 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 Organisation 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 alongwith interest upto the date of payment with Housing and Urban Development Corporation Employees Provident Fund for deposit with the Employees Provident Fund Organisation in terms of Pension Scheme and any clarifications/notifications/circulars/orders in relation thereto, including any further payments as may be required, upon demand from EPFO or Housing and Urban Development Corporation Ltd.
6. If the full amount payable is not deposited by me with my last employer i.e. HUDCO Ltd., within such period as may be directed by EPFO after verification of my joint option, I shall not hold HUDCO or HUDCO Provident Fund liable or responsible in any manner whatsoever for the lapse, rejection or refusal of such Joint Option under the pension scheme.

Signature

Name of (Employee/Ex. Employee)

Address

Mobile No.

UAN No.

EPS No.

PPO No.