

I/378201/2025



सत्यमेव जयते

कर्मचारीभविष्यनिधिसंगठन
EMPLOYEES' PROVIDENT FUND ORGANISATION
 (श्रमएवंरोजगारमंत्रालय, भारतसरकार)
 (MINISTRY OF LABOUR AND EMPLOYMENT, GOVT. OF INDIA)
 क्षेत्रीयकार्यालय/ Regional Office, Chennai North
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No. [TN/MAS/POHW/3646/REJECTION/SPO/REGL](#)

Date.03.02.2025

ORDER**Proceedings in the matter of Joint Option filed by members/pensioners in r/o, M/s. LASER INFO SYSTEMS LTD (TNMAS0003646000).**

Whereas, an application has been received for the Joint Option filed by members/pensioners (list enclosed), who were in service prior to 01.09.2014 and continued to be in service on or after 01.09.2014 but had not exercised joint option under erstwhile proviso to Para 11(3) of Employee's Pension Scheme 1995.

And whereas the Honourable Supreme Court in Para 44(iv) of the Judgement dated 04-11-2022 in the matter of Special Leave Petition (C) Nos. 8658-8659 of 2019, has held that:

*"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 crystalised 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 cutoff 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 cutoff date by the authorities, ought to be given a further chance to exercise their option. Time to*

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exercise option under paragraph 11(4) of the scheme, under these circumstances, shall stand extended by a further period of four months”.

And whereas, consequently, the Employees’ Provident Funds Organisation (hereinafter referred to as “the EPFO”), upon examination has also issued directions vide circular No. Pension/2022/56259/16541 dated 20-02-2023. As per para 5 of the said circular, the following employees with their employers may submit joint option digitally/online to the concerned Regional Offices:

- 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 proviso to Para 11(3) of the pre-amendment scheme (since deleted) while being members of EPS’95 and
- iii. where members prior to 01.09.2014 and continued to be member on or after 01.09. 2014.

Para 6 of the said circular further specified that Proof of remittance of employer’s share in provident fund on higher wages exceeding the prevalent wage ceiling of Rs.5000/ 6500/- and proof of joint option under Para 26(6) of EPF Scheme duly verified by the employer to be submitted for further processing.

And whereas, upon the examination of the records/documents submitted by the employee/pensioner and employer, along with the joint option, and as per the Enforcement Officer’s report dated 27/01/2025, the Employer has not provided requisite documents/ records in respect of the entire service period of the member/pensioner for verification to ascertain the eligibility to Pension on Higher Wages. However, before rejection of applications, in the interest of natural justice and to provide the employee and employer one more opportunity to provide the required documents/proof, one months’ time was granted to the employee as well as the employer to submit the requisite documents vide this office email. Even further, our Head Office through their press release also directed the employer to submit the records. In spite, of the efforts, no records been received. In spite of giving reasonable opportunities the employer failed to provide the required documents/ proofs to ascertain the eligibility to Pension on Higher Wages.

And whereas, for the reasons stated above, it is evident that in respect of members/pensioners (list enclosed), the establishment has failed to produce requisite documents like wage register, pay slip, F3A/6A, challan, etc for the entire period of service of member in spite of granting multiple opportunities as

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stated above to ascertain the eligibility of member/pensioner to Pension on Higher wages. Also, as per information available in this office records, the member/pensioner had not contributed on higher wage towards pension fund.

Now, therefore, I, L MANGAYARKARASI, ASST.P.F.COMMISSIONER, EPFO, Regional Office, Chennai North, for the reasons stated above reject the application submitted by 1 member/pensioner (list enclosed) of M/s. LASER INFO SYSTEMS LTD (TNMAS0003646000) as in the absence of valid records, it could not be confirmed/ascertained that the member/pensioner had contributed on higher wages towards Provident Fund from the date of joining or date from which his/her salary has crossed the statutory wage ceiling in accordance with erstwhile para 11(3) of EPS,1995. Accordingly, the said application is disposed off.

| ACKNOWLEDGEMENT NUMBER | UAN | MEMBER ID | NAME OF THE APPLICANT |
|------------------------|--------------|------------------------|-----------------------|
| 230303123113000912541 | 100380549426 | TNMAS00364600000000443 | A C K SATYA SAI |
| 230430084056011214581 | 100200901754 | TNMAS00364600000000529 | KODANDARAM T |

(L.MANGAYARKARASI)
Assistant Provident Fund Commissioner
Regional Office, Chennai North.

To,

1. The member/pensioner..... Through FO Interface
2. The Managing Director,
3. M/s. LASER INFO SYSTEMS LTD