



# SOUTH BENGAL STATE TRANSPORT CORPORATION

Dr. B.C. Roy Avenue, Durgapur - 713201, Paschim Bardhaman  
( A Government of West Bengal Undertaking )

## CIRCULAR

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**Sub: Submission of ' Joint Option Form ' under Para 11 (3) and Para 11(4) of Employees' Pension Scheme, 1995 as per direction of Hon'ble Supreme Court Judgement dated 04<sup>th</sup> November, 2022.**

1. This has reference to the Judgement of the Hon'ble Supreme Court regarding Employees ' Pension Scheme- 1995 (EPS-95) passed in SLP No. 8658 – 8659 of 2019 titled EPFO –Vs- Sunil Kumar B. &Ors. Etc. As per paragraph 38, 39 & 44 (ii) of the Judgement, it is also applicable to the EPS- 95 members of the exempted establishment.

2. SBSTC is an exempted establishment and the Judgement is applicable to the Employees / Ex-employees of the SBSTC who are eligible as per the Hon'ble Supreme Court's Judgement dated 04<sup>th</sup> November, 2022. All employees of the SBSTC are member of the SBSTC Employees Contributory Provident Fund managed by a Board of Trustee and contribute to the Provident Fund at prescribed contribution rate on their actual salary as applicable from time to time. SBSTC also makes matching employers contribution on actual salary to the trust. However, contribution to the EPS-95 has been made @ 8.33% of prescribed wage ceiling i.e., Rs.5, 000.00 till May, 2001, Rs.6, 500.00 w.e.f. June, 2001 and Rs.15, 000.00 w.e.f. September, 2014. As per the rule, EPS-95 contributions is deducted from the Employers Contribution to PF and is remitted to the concerned office of the Employees Provident Fund Organization (EPFO). Pension under EPS-95 is also made by the concerned office of the EPFO.

3. As per paragraph 43 read with paragraph 44 (iv) of the SC Judgement, all employees, who were members of the EPS-95 as on 01.09.2014 and who could not exercise option, as contemplated in the proviso to paragraph 11(3) of the Pension Scheme to contribute to EPS-95 on actual salary instead of applicable wage ceiling, for getting pension on actual pensionable Salary as defined in the EPS-95, would be entitled to exercise option now under paragraph 11(4) of EPS-95 **within a period of 04 (four) months from the date of Judgement i.e., on or before 03<sup>rd</sup> March, 2023.** This option is one time chance to exercise and once exercised cannot be revoked further.

4. It is expected that EPFO may issue a circular / guidelines specifying the mode and manner of deposit of amount, exercising option and for submission of joint declaration as per the paragraph 43 read with the paragraph 44 (iv) of the SC Judgement dated 04.11.2022, in respect of employees who were member of the EPS-95 as on 01.09.2014 (Eligible Employees).

5. Employee(s) / Ex- Employee(s) wiling to exercise the option have to pay arrears of EPS-95 contribution i.e., difference between contribution @8.33% on actual salary less contribution already deposited on applicable wage ceiling from the date of joining the EPS-95 Scheme. Additionally such Employees also have to pay interest on due arrears at applicable rate till the month of remittance. Moreover employees may have to contribute @ 1.16% of salary exceeding Rs.15, 000.00 as additional contribution from September, 2014 from Employers' Contribution according to any alternation of the scheme.

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6. Accordingly, to enable the employees / ex-employees to take a decision for exercising the option, tentative difference amount with applicable interest since 16<sup>th</sup> November, 1995 onwards of all eligible employees as available in the office record has been prepared and compiled with. It will be available for information and verification by the employees in the Divisional Office & Head Office of this Corporation shortly. Summary sheet for difference of payment (estimated) as stated in Para 5 of the eligible employee shall be available in the respective Depot of the Corporation shortly. Moreover it will be displayed in official website ([www.sbstc.co.in](http://www.sbstc.co.in)) of this Corporation.

7. In case of any discrepancy found in the data, as stated in Para 6, employee may inform the same with relevant proof such as PF statement(s) or salary slip(s) for relevant period / months latest by 15<sup>th</sup> February, 2023 to finalize the arrear calculation in time, otherwise the data shown in the SBSTC website may be considered as final.

8. The Corporation has already taken up with the EPFO vide memo no. 1771/SBSTC/23 dated 01.02.2023 about the specified format for undertaking to be given by willing employees in the joint declaration and shall be made available on the said website as and when clarifications are received. Since no format for the joint option has yet been provided by EPFO (also not available on EPFO's portal), based on similar format issued by various R.O's in the year 2017 & 2018 while implementing the Judgement of R.C. Gupta in order to comply with the above requirement within specified time period, the willing employees / ex-employees and employer are required to submit the joint option form as per Annexure A & B attached herewith under erstwhile Para 11(3) and Para 11(4) of EPS-95 for claiming pension on actual salary instead of ceiling salary limit of Rs.15,000/-. The Form will also be available in our website shortly ([www.sbstc.co.in](http://www.sbstc.co.in)).

9. All efforts shall be made to submit the joint declaration of willing employee 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 the 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 SBSTC Employees Contributory Provident Fund shall have to arrange the fund for payment for arrears to EPFO, within the prescribed time. Mode and manner of deposit of arrears shall be available with EPFO.

10. In the case of serving employees, payment of arrears shall be made from the PF account of SBSTC Employee's Contributory Provident Fund lying with the Board of Trustee.

11. Employees whose PF Account was transferred to other establishment, their details may be provided on request through the Secretary- SBSTCECPF.

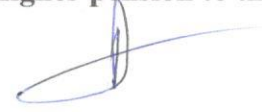
12. The Joint Option Form may be duly & legibly filled, signed by the employee / ex-employee concerned and shall be submitted in triplicate (all three copies in original form) to the office of the concerned Depot / Division and Head Quarters. Receipt of duly signed Original Form is mandatory for taking the matter forward.

13. The Joint Option Form shall be subject to acceptance by Employees' Provident Fund Organization (EPFO) as per rules.



14. In view of the timeline prescribed by the Hon'ble Court for exercising option i.e., four months from the date of the Judgement and thereafter considering the time period required for scrutiny / onwards submission to the RPF and to avoid any possible rejection by the RPF on the ground of said timelines, willing employees / ex-employees shall ensure receipt of the Joint Option Form by the respective office of the concerned Depot / Division and Head Quarters latest by 20.02.2023.

**Disclaimer:** In reference to Judgement dated 04<sup>th</sup> November, 2022 of Hon'ble Supreme Court, South Bengal State Transport Corporation (SBSTC) has written a letter vide no. 1771/ SBSTC/23 dated 01.02.2023 to EPFO seeking guidelines for submission of Joint Option Form for exercising the pension on higher wages under EPS'95, however, the same is still awaited. This circular is being issued for implementation of said judgement only to adhere the time limit and is subject to any ratification(s) / guideline(s) that may be issued by EPFO from time to time. Therefore, the joint option form submitted by eligible employees does not confer any right to receive or obligation upon South Bengal State Transport Corporation (SBSTC) to pay higher pension to them.



Managing Director,  
South Bengal State Transport Corporation



Memo No: - 1835(40)SBSTC/2023

Date: - 10/ 02/2023

Copy forwarded for information and necessary action to:-

1) The C.A.O., SBSTC, 2) The Dy. M.D. (Tech.) 3) The Dy. M.D. (Op)(Officiating) & Division Manager, Durgapur, 4)The Divisional Manager, Belghoria Division, 5) The Divisional Manager (Acting), Jangal Mahal Division, 6) The Sr. Administrative Officer 7) The Traffic Manager, 8) The Public Relation Officer 9) The W.I., Durgapur Divisional Workshop 10) The Dy. C.O.S.P. 11) The M.O., 12) The Secretary, SBSTC C.P.F. 13-32) The Depot In-Charge, Durgapur / Asansol / Bankura / Burdwan / Suri / Rampurhat / Barno Parichay, Beharampur / Kalna / Arambag / Belghoria / Howrah / Haldia / Digha / Medinipur / Purulia / Jhargram / Falta / Khirpai / Manbazar / Bandwan Depot.- all Depot In-Charge(s) are requested to display it in the Notice Board of the Depot and depute one or more personnel having knowledge on computer from his depot for this job to enable to complete the process within the time limit 33-34) The In-Charge, EDP Section, Durgapur / Belghoria - he is requested to upload the circular and option form in the official website of this Corporation immediately 35-36) The In-Charge, S.B. Section, Durgapur / Belghoria 37) The In-Charge, Pension Cell, SBSTC 38-40) Notice Board- Durgapur / Belghoria / Jangal Mahal Divisional Office, SBSTC.



Managing Director,  
South Bengal State Transport Corporation



**JOINT OPTION UNDER THE EMPLOYEES' PENSION SCHEME, 1995**  
**{For Serving Employees & EPS Pensioners on Rolls(attained 58 years but not 60 years)}**

To  
The Regional Provident Fund Commissioner-I,  
Employees Provident Fund Organization,  
City Centre, Durgapur.  
Pin-713216.

**Sub: Joint Option under the erstwhile Para 11 (3) and Para 11 (4) of Employees' Pension Scheme (EPS), 1995, based upon the Hon'ble Supreme Court's Judgement dated 04.11.2022 in SLP© Nos. 8658-8659 of 2019.**

1. In line with Paras 43 and 44 (ii) and (iv) of the Judgement dated 04.11.2022 of the Hon'ble Supreme Court of India, eligible employees are required to submit joint option under erstwhile Para 11 (3) and 11 (4) of EPS, 1995 within a period of 4 months from the date of Judgement.

2. Considering that no format for joint Option Form has yet been finalized by EPFO nor hosted in the EPFO Website, in pursuance of format issued by various ROs / EPFO in the year 2017 & 2018 while implementing the R.C. Gupta Judgement, we (employee and employer) are hereby submitting Joint Option Form as required under erstwhile Para 11 (3) and 11 (4) of EPS, 1995, for claiming pension on actual salary instead of the wage / salary ceiling limit of Rs.15,000/- pm under the EPF Act, 1952.

3. Particulars of the employee are as under:

(i)	Name	
(ii)	C.P.F. Number	
(iii)	E.P.S. Account Number	
(iv)	Date of Joining in SBSTC	
(v)	UAN Number	
(vi)	Aadhar Number	

(vii)	Mobile Number	
(viii)	E-mail ID	

Additional information in respect of employee who have attained 58 years of age but not attained 60 years (superannuation age in the Corporation) and are drawing Pension under EPS, 1995, are as under:

(ix)	PPO Number	
(x)	Date of attaining the age of 58 years( eligible for Pension under EPS, 1995)	
(xi)	Date of Actual Superannuation / Cessation of Service	
(xii)	Name of Pension Disbursing Bank and Branch	
(xiii)	Bank Account Number where Pension is being credited with IFSC Code and MICR Number	

**Declaration by Employee**

1. It is certified that immediately after joining SBSTC, I had been contributing towards the Provident Fund on my actual wage / salary and an equal amount used to be contributed in my PF by the Employer also as provided under Para 26(6) of EPF Scheme, 1952. It is to further certified that an amount @ 8.33% of the statutory ceiling limit i.e., Rs.15, 000/- pm (earlier Rs.5, 000/-, Rs.6, 500/-) out of the Employer's Contribution has been remitted by my Employer every month towards EPS-95 since 16.11.1995 / the date of my joining whichever is later.

2. I do hereby opt for diverting @8.33% of my actual salary / wages out of Employer's Contribution from my PF A/C towards Pension Fund (after adjusting the amount already remitted by the employer to the Pension Fund up to the prescribed wage ceiling under the Act) from the date of joining in EPS, 1995 till my attaining the age 58 years. I hereby authorised PF Trustee Board of SBSTC to transfer the differential amount with interest accrued, thus making me eligible for drawing pension on the basis of actual salary / wages instead of on the salary wages fixed as per prevailing ceiling under the Act, in accordance with the aforesaid Judgement.

3. I also undertake that in case my corpus / balance in PF Account is insufficient on account of taking non-refundable advance, I am ready to pay the differential amount that I had taken / withdrawal to make me eligible for drawing Pension on the basis of actual salary / wages instead of on the salary / wages as per prevailing ceiling under the Act, in accordance aforesaid Judgement.

4. I understand that the Joint Option Form submitted by me shall be subject to acceptance by EPFO. I further understand that the option exercised is irrevocable at any later date, and no claim for change of option shall be entertained or considered under any circumstances.

5. I undertake that the option exercised herein is subject to the EPFO instruction / guidelines / directives that may be issued from time to time.

Place: \_\_\_\_\_

Date: • \_\_\_\_\_

\_\_\_\_\_ (Signature)

**UNDERTAKING BY THE EMPLOYER**

I, \_\_\_\_\_ (Name & Designation) being the  
Authorised Signatory of M/s. \_\_\_\_\_ (Location)  
with Establishment PF Code Number \_\_\_\_\_ do hereby certified that  
Sri/Smt./Ms. \_\_\_\_\_, is an employee of this establishment. The  
member has been contributing towards Provident Fund on his actual salary / wages, as per the terms of  
Para 26(6) of the EPF Scheme, 1952. Equal share is also  
contributed by this establishment too. This establishment has no objection if he / she transfers / diverts the  
differential amount @ 8.33% of the employer's share w.e.f. 16.11.1995 or from his / her date of joining of  
when his / her salary / wages exceeded the statutory limit, whichever is later, along with due interest as  
declared under EPF Scheme, 1952 from time to time , from his / her P.F. A/C to Pension Fund maintained  
by EPFO, thus making him / her eligible for drawing pension and on his /her actual salary / wages,  
instead of on the statutory limit as per erstwhile Para 11(3) and 11(4) of EPS, 1995. This exercise is being  
carried out in consonance with the Judgement of the Hon'ble Supreme Court dated 04.11.2022.

I, certify that the particulars furnished above are the correct as per the available Office Records.

Place: \_\_\_\_\_  
Date: \_\_\_\_\_

\_\_\_\_\_  
(Signature with Name)  
Designation & Office Seal

**JOINT OPTION UNDER THE EMPLOYEES' PENSION SCHEME, 1995**

(For Ex-Employees)

To  
The Regional Provident Fund Commissioner-I,  
Employees Provident Fund Organization,  
City Centre, Durgapur.  
Pin- 713216.

**Sub: Joint Option under the erstwhile Para 11 (3) and Para 11 (4) of Employees' Pension Scheme (EPS), 1995, based upon the Hon'ble Supreme Court's Judgement dated 04.11.2022 in SLP© Nos. 8658-8659 of 2019.**

1. In line with Paras 43 and 44 (ii) and (iv) of the Judgement dated 04.11.2022 of the Hon'ble Supreme Court of India, eligible employees are required to submit joint option under erstwhile Para 11 (3) and 11 (4) of EPS, 1995 within a period of 4 month from the date of Judgement.

2. Considering that no format for joint Option Form has yet been finalized by EPFO nor hosted in the EPFO Website, in pursuance of format issued by various ROs / EPFO in the year 2017 & 2018 while implementing the R.C. Gupta Judgement, we (employee and employer) are hereby submitting Joint Option Form as required under erstwhile Para 11 (3) and 11 (4) of EPS, 1995, for claiming pension on actual salary instead of the wage / salary ceiling limit of Rs.15,000/- pm under the EPF Act, 1952.

3. Particulars of the employee are as under:

(i)	Name	
(ii)	C.P.F. Number	
(iii)	E.P.S. Account Number	
(iv)	Date of Joining in SBSTC	
(v)	UAN Number	
(vi)	Aaddhar Number	

(vii)	Mobile Number	
(viii)	E-mail ID	
(ix)	Full Postal Address with Pin Code	
(x)	PPO Number	
(xi)	Date of attaining the age of 58 years( eligible for Pension under EPS, 1995)	
(xii)	Date of Actual Superannuation / Cessation of Service	
(xiii)	Name of Pension Disbursing Bank and Branch	
(xiv)	Bank Account Number where Pension is being credited with IFSC Code and MICR Number	

**Declaration by Employee**

1. It is certified that immediately after joining SBSTC, I had been contributing towards the Provident Fund on my actual wage / salary and an equal amount used to be contributed in my PF by the Employer also as provided under Para 26(6) of EPF Scheme, 1952. It is further certified that an amount @ 8.33% of the statutory ceiling limit i.e., Rs.15, 000/- pm (earlier Rs.5, 000/-, Rs.6, 500/-) out of the Employer's Contribution has been remitted by my Employer every month towards EPS-95 since 16.11.1995 / the date of my joining whichever is later.

2. Since I have already withdrawn the entire amount of Provident Fund on my Retirement / Resignation (after attaining 58 years of age on or after 01.09.2014) / optional retirement, etc. I am ready to return / pay back the due differential amount (after adjusting the amount already remitted by the employer to the Pension Fund up to the prescribed wage ceiling under the Act) from the date of joining in EPS, 1995 till my attaining the age 58 years / resignation, etc. with due interest to make me eligible for drawing pension on the basis of actual salary / wages instead of on the salary wages fixed as per prevailing ceiling under the Act, in accordance with the aforesaid Judgement.

3. I understand that the Joint Option Form submitted by me shall be subject to acceptance by EPFO. I further understand that the option exercised is irrevocable at any later date, and no claim for change of option shall be entertained or considered under any circumstances.

4. I undertake that the option exercised herein is subject to the EPFO instruction / guidelines / directives that may be issued from time to time.

Place: \_\_\_\_\_  
Date: \_\_\_\_\_

\_\_\_\_\_  
(Signature)



**UNDERTAKING BY THE EMPLOYER**

I, \_\_\_\_\_ (Name & Designation) being the  
Authorised Signatory of M/s. \_\_\_\_\_ (Location)  
with Establishment PF Code Number \_\_\_\_\_ do hereby certified that  
Sri/Smt./Ms. \_\_\_\_\_, who is the holder of P.P.O No.  
\_\_\_\_\_ is an ex-employee of this establishment. He / she had attained the  
age of 58 years as on \_\_\_\_\_ (dd/mm/yyyy). The member had been contributed towards  
Provident Fund on his actual salary / wages, as per the terms of Para 26(6) of the EPF Scheme, 1952.  
Equal share is also contributed by this establishment too. This establishment has no objection if he / she  
deposits / returns the differential amount @ 8.33% of the employer's share w.e.f. 16.11.1995 or from his /  
her date of joining of when his / her salary / wages exceeded the statutory limit, whichever is later, along  
with due interest as declared under EPF Scheme, 1952 from time to time , from his / her P.F. A/C to  
Pension Fund maintained by EPFO, thus making him / her eligible for  
drawing pension and on his /her actual salary / wages, instead of on the statutory limit as per erstwhile  
Para 11(3) and 11(4) of EPS, 1995. This exercise is being carried out in consonance with the Judgement  
of the Hon'ble Supreme Court dated 04.11.2022.

I, certify that the particulars furnished above are the correct as per the available Office Records.

Place: \_\_\_\_\_  
Date: \_\_\_\_\_

\_\_\_\_\_  
(Signature with Name)  
Designation & Office Seal