



# भारत हेवी इलेक्ट्रिकल्स लिमिटेड Bharat Heavy Electricals Limited

To,

Additional Central PF Commissioner, HQ (Pension)  
Employees' Provident Fund Organization,  
Bhavishya Nidhi Bhawan,  
14, Bhikaji Cama Place,  
New Delhi – 110 066

AA:HR:EPF  
Dated 25.04.2017

Sir,

**Sub: Allowing members of the Employees' Pension Scheme, 1995 the benefit of the actual salary in the Pension Fund exceeding wage limit of either Rs.5000/- or Rs.6500/- per month from the effective date respectively as per the Hon'ble Supreme Court's order in SLP No. 33032- 33033 of 2015- Regarding**

Please refer to EPFO Circular No. Pension-I/12/33/EPF Amendment/96/Vol. II dated 23.03.2017, allowing members of the Employees' Pension Scheme, 1995 who had contributed on higher wages exceeding the statutory wage ceilings of Rs.6500/- in the Provident Fund to divert 8.33% of the salary exceeding Rs.6500/- to the Pension Fund with up to date interest as declared under EPF Scheme, 1952 from time to time to get the benefit of pension on higher salary on receipt of joint option of the Employer and Employee. The Hon'ble Court further observed that a beneficial Scheme, ought not to be allowed to be defeated by reference to a cut -off date.

As you may be aware that BHEL is having exempted Trusts in BHEL Units for the purpose of the Employees Provident Fund of its employees. The Employees' Pension Scheme (EPS) of employees is administered by EPFO through respective RPFCS. BHEL, as employer and its employees have since beginning opted to contribute on salary exceeding Rs.6500/- or Rs.15000/- (or ceilings as notified by EPFO from time to time) towards Employees' Provident Fund.

In terms of above referred circular No. Pension-I/12/33/EPF Amendment/96/Vol. II dated 23.03.2017, since all employees opted to contribute towards PF on salary exceeding Rs.6500/- per month or Rs.15000/- per month as the case may be, in respect of those who exercise the option, the contribution@ 8.33% of the salary made on higher wages exceeding the statutory wage ceilings in the Provident Fund along with interest as declared under EPF Scheme 1952 from time to time, is required to be diverted to their EPS account being maintained by respective RPFCS, along with additional contribution @1.16% on the salary exceeding Rs.15000/- per month (in place of Government share of Contribution).

In terms of Hon'ble Supreme Court Order in SLP No. 33032-33033, the above option shall also be made available to employees who have superannuated / retired from the services of the company and already withdrawn from Provident Fund account.

You would appreciate that Exempted Trust are governed by the EPF Act and grant of exemption is subject to condition that benefits provided are not lesser than that available under the EPFO. Benefit available under EPF & MP Act, particularly EPS Scheme, thus is also required to be extended to employees covered under exempted trusts.

It is, therefore, requested to inform the modalities of transfer of EPF contribution as well as contribution on higher wages exceeding the statutory wage ceilings in the Provident Fund along with interest as declared under EPF Scheme 1952 from time to time, to EPS account of employees being maintained by respective RPFs, along with additional contribution @1.16% on the salary exceeding Rs.15000/- per month (in place of Government share of Contribution).

Since the matter is being raised regularly by retired employees, employees' association and trade unions, your early reply shall be highly appreciated.

Thanking you,

Yours' sincerely,

  
25.04.2017  
(Anil Kapoor)

General Manager In-charge(HR&CC)