

Telecom Executives' Association of MTNL CENTRAL HEAD QUARTER

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TEAM/CHQ/CPF/2020-21/34
Dt. 22.08.2020

To,

CMD, MTNL
Door Sanchar Sadan
9, CGO Complex
Delhi 110003

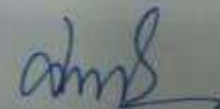
Sub: Calling of option under rule 11(3) of EPS 1995 from all CPF opted employees & pensioners of MTNL for higher pension in view of MTNL being "un- exempted establishment" w.e.f.31/01/2013.

Ref: (1) EPFO letter no -E/DL8444/EX Dated 11/01/2013, 19/03/20 & 05/05/2020
(2) MTNL letter Dated 25/02/2020, 23/06/2020 & office order Dated 06/07/2020

Respected sir,

We would like to submit the following on the captioned subject under reference for your kind consideration.

1. MTNL has become a "un exempted" establishment vide EPFO letter no E/DL/8444/Rel/1189 dated 11/01/2013 w.e.f.31/01/2013. The order of EPFO has also been upheld by high court, Delhi in the matter of WP(C) 4309/2013 on 16/12/2014 further the division bench of high court, Delhi in its order Dated 11/01/2020 vide Para 26 in the matter of LPA 111/2015 has extended the benefit of higher EPS pension as specified in EPFO circular pension - 1/12/EPS amendment 196/vol-2nd Dated 23/03/2017 to all employees under the ambit of MTNL EPF trust. subsequently EPFO has directed MTNL vide it's letter no E/DL/8444/EX/13744 dated 19/03/2020 to comply with its order dated 11/01/2013 & to function as an un exempted establishment w.e.f.31/01/2013.the same was further confirmed vide EPFO letter no E/DL/8444/EX/149 dated 05/05/2020.
2. In view of above, all working employees & pensioner of MTNL who opted for CPF pension become eligible for higher pension based on higher pay under proviso to Para 11(3) of EPS 1995 on furnishing a joint option of the employer & employees in accordance with EPFO

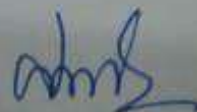


HQ circular no pension/1/12 EPS amendment/96/vol.II dated 23/03/2017. MTNL as well as the CPF opted employees (including the retired) have contributed to the provident fund on higher pay exceeding the pay ceiling of Rs 5000/-, Rs 6500/-, Rs 15000/- & have allowed to transfer 8.33% of the employer contribution of actual pay to pension fund with up to date interest as declared under EPF scheme from time to time to get the benefit of higher EPS pension on receipt of joint declaration of employer & employees.

MTNL C.O. vide letter no IRW/21(88)2015/731 dated 18/04/2017 informed ED MTNL Mumbai & Delhi that "further the HR units along with EPF trust will work out modalities & consult EPFO for lay down the procedure to be adopted for implementation of EPFO order dated 23/03/2017".

3. Therefore, it is requested to take immediate follow up action for payment of higher pension. As per our prospective, the action should be initiated immediately to call for a joint option from all working employees as well as retirees under the ambit of MTNL EPF trust since inception to forward the same to EPFO for further process.
- By calling options as requested above there would be three categories of employees & retirees who are covered by EPS 1995 for higher EPS pension as stated below:
- a) Those who are willing & working on the rolls of MTNL establishment as well as those subscribing to CPF on their actual pay higher than the statutory limit.
 - b) those who have already retired from MTNL & received the full & final settlement & covered by EPS 1995 & also willing to remit the amount due to pension fund to become eligible for higher pension on their actual pay & undertake to remit the amount (including upto date interest) & also willing to exercise the option herein subject to the final outcome of Hon'ble supreme court in review petition filed by EPFO in this regard.
 - c) There is a set of employees who have opted for VRS 2019 & 30% of their CPF contribution & along with the interest at credit with MTNL & willing to exercise option to divert the required sum to the pension fund @ 8.33% of employer's contribution to become eligible for higher EPF pension.
 - d) In case of any shortfall, the employees/ pensioners undertake to authorise to recover the balance dues if any, from the balance payments like ex-gratia, service gratuity & leave encashment. Also the exercise of option herein is subject to final outcome of hon'ble Supreme Court in the review petition filed by EPFO in this regard.


Sir, the CPF optees/ pensioners would deprive of their legitimate right of higher pension forever in absence of appropriate action. Presently, MTNL is making contribution based on actual pay. Instead, the CPF opted employees are eligible to get a meager sum of pension on their retirement. Contributing on their actual pay which is higher than the statutory limit. Therefore it is requested to initiate necessary action for calling option as stated above which they are rightfully entitled to.



Therefore it is requested to initiate necessary action for calling of option as stated above which they are rightfully entitled to & there would not be any financial loss to MTNL on this account.

Thanking you,

Regards,


(K. R. Yadav)
General Secretary, TEAM

Copy to:-

1. Secretary, Deptt. of Telecom, Sanchar Bhawan, New Delhi.
2. Secretary, Deptt. of Labour, Shram Shakti Bhawan, New Delhi
3. Asst. Provident Fund Commissioner (Exemption), Regional Office EPFO Delhi (Central) Bhavishya Nidhi Bhawan, 28 Community Centre, Wazirpur Industrial Area, Delhi-53
4. Sh. Alok Yadav, Regional Provident Fund Commissioner, Bhavishya Nidhi Bhawan, 28 Community Centre, Wazirpur Industrial Area, Delhi-53
5. Director (HR) MTNL, Delhi
6. PGM(HR), MTNL, Delhi

office copy

Pech
27/08/20

Website: www.indiapost.gov.in/

Dial 18002666868 <Wear Masks, Stay Home>



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SP NEW DELHI GPO (110001)
Counter No:5,27/08/2020,15:10
To:ASST PROVIDENT FUND,ND
PIN:110053, Seelampur SO
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ED5784831991H IVR:6968578483199
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PIN:110001, New Delhi GPO
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Wt:50gms
Avt:17.70(Cash)Fxt:2.70

27.8.20

DR. K. R. YADAV, PGM (HR), MTNL, DELHI
RECEIVED
27/08/2020