



RPAD

## EMPLOYEES' PROVIDENT FUND ORGANISATION

(Ministry of Labour & Employment, Govt. of India)

REGIONAL OFFICE: 1/30, R.S.ROAD, KADAPA-516004, ANDHRA PRADESH

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No. AP/CDP/Pension/PPO:68109/2022/14710

Date: 05/12/2022.

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### NOTICE

Sub: issue of notice to Sri.N.Rama Subbaiah(P.P.O.no.68109) by following due process of law -Regarding.

- Ref:1. EPFO circular [No.Pension/12/33/EPS Amendment/96 Vol.II/1946, dated:04/06/2019.  
2. Your application/undertaking dated:30/05/2018for revision of pension on actual/higher wages.  
3. AP/RO/CDP/Special Cell(Pension)/2019/1335, dated:19/06/2019. to M/s.The Proddatur Co-op. Town Bank Ltd.  
4.AP/RO/CDP/Pension (Special cell)/2019/1460, dated:15/11/2019.  
5. AP/RO/KDP/Pension/PPO No.68109/2019/1513, dated:03/12/2019.  
6. Orders of Hon'ble High court of Andhra pradesh in respect of W.P. No.21004/2019, dated:16/09/2022.  
7. No.AP/RO/CDP/Pension/PPO :68109/2022/13281, dated:26/09/2022.  
8. Hon'ble Supreme Court of India judgment in Civil Appeal No.s...of 2022(Arising out of the Special Leave Petition (C ) No.s 8658-8659 of 2019) etc., dated:04/11/2022.

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Whereas Sri.N.Rama Subbaiah is a member of Employees' Pension Scheme, 1995 w.e.f. 16/11/1995 to 30/04/2007 with E.P.F. account no.GRCDP/20754/2. On attaining the age of superannuation with effect from 30/04/2007 Sri.N.Rama Subbaiah submitted application in Form-10D for grant of monthly pension, same was processed by the office and monthly pension @ Rs.1,147/- per month was granted vide PPO No.GRCDP00023478 with effect from 01/05/2007 which continued till December 2018.

Whereas Sri.N.Rama Subbaiah applied for revision of pension on higher wages/actual wages on which E.P.F. amount was paid but E.P.S. contributions were remitted on ceiling limit of Rs.5000/- up to 31/05/2001 and Rs.6500 from 01/06/2001 till date of retirement, by submitting an application dated 30/05/2018 with undertaking by the employer therein citing Hon'ble Supreme Court of India judgment in Civil Appeal No. 10013-10014 of 2016 (Arising out of the Special Leave Petition (C ) No.s 33032-33033 of 2015), dated:04/10/2016. Whereas this office as per E.P.F.O. head office instructions issued vide circular No.:Pension-I/12/33/EPS Amendment/96/Vol.II/34007, dated:23/03/2017 and on the basis of application dated 30/05/2018 submitted by Sri.N.Rama Subbaiah and undertaking of the employer therein, revised the pension to Rs.4,013/- per month with retrospective effect i.e. 01/05/2007 vide P.P.O.no. GRCDP00065982 and paid arrears amount to the tune of Rs.3,77,720/- which was credited on 01/03/2019 to Bank Account No. 19190557654 of

Sri.N.Rama Subbaiah maintained with Andhra Pragathi Grameena Bank, Proddatur.

Whereas the payment of pension in respect of Sri.N.Rama Subbaiah on higher wages has been re-examined as per the instructions of E.P.F.O.,Head office vide circular No: Pension/12/33/EPS Amendment/96 Vol.II/1946, dated:04/06/2019. On re-examination of office records, it is noticed that Sri.N.Rama subbaiah has neither exercised option as per Para 26(6) of Employees' Provident Fund Scheme, 1952 nor as per Para 11(3) of Employees' Pension Scheme, 1995 while he was member of the fund. Further contributions towards Employees Pension Scheme have been remitted on wage ceiling under Employees' Pension Scheme, 1995 i.e. Rs.5000/ 6500 only respectively as mentioned at para 2.

Whereas Sri. N.Rama Subbaiah exercised an option for higher pension only on 30/05/2018 which is after exit from the membership of E.P.S.,1995. Whereas the judgment basing on which Sri. N.Rama Subbaiah exercised option is only in respect of members of Employees Pension Scheme, 1995 and not to the pensioners whose accounts have already been settled and have been drawing pension. In view of the facts and circumstances, this office was constrained to restore monthly pension in respect of Sri.N.Rama Subbaiah with new P.P.O.no. GRCDP00068109 at Rs.1147/- being original entitled pension per month with effect from 11/2019 onwards duly informing vide references 4 and 5 cited.


Whereas the orders of Hon'ble High court of Andhra pradesh in respect of W.P.No. 21004/2019 were delivered on 16/09/2022 when the matter of Higher pension is subjudice before the Hon'ble Supreme Court of India and the Hon'ble Supreme Court of India delivered judgment vide it's order dated:04/11/2022 and held that:

*"44(v) The employees who had retired prior to 1<sup>st</sup> September 2014 without exercising any option under paragraph 11(3) of the pre-amendment scheme have already exited from the membership thereof. They would not be entitled to the benefit of this judgement."*

In view of the afore-mentioned facts and circumstances, it is to inform that you are not eligible for Higher wage pension.

(This issues with the concurrence of the Regional Provident Fund Commissioner-I)

Yours faithfully,

  
ASSISTANT P.F. COMMISSIONER(PENSION)  
REGIONAL OFFICE, KADAPA

✓ To,  
Sri.N.Rama Subbaiah,  
D. no.5/194, vijaya nagaram street,  
Proddatur, Kadapa district,  
Andhrapradesh.