



## **Circular No – 028 / 2023**

Date: 21-02-2023

To  
All Members of The Association

### **KEA LETTER TO THE CENTRAL PROVIDENT FUND COMMISSIONER, EPFO, REG IMPLEMENTATION OF HON'BLE SUPREME COURT JUDGEMENT ON CLAIM OF HIGHER PENSION IN THE CASE OF EPFO VS. SUNIL KUMAR B, DECIDED ON 04.11.2022 IN SPECIAL LEAVE PETITION (C) NOS.8658-8659 OF 2019 – NEED TO EXTEND THE TIME.**

The Provident Fund Organization had released instructions for the implementation of judgment of Supreme Court in the case of EPFO vs. Sunil Kumar B. decided on 04.11.2022 vide Internal Circular No. Pension/ 2022/54877/15149 dated 29.12.2022. Further instructions have been issued on the above subject vide Internal Circular No. Pension/2022/56258/16541 dated 20.02.2023 for compliance with the orders contained in Paras 44(iii) & (iv) read with Para 44(v) of the Hon'ble Supreme Court judgment dated 04.11.2022.

The time available for the employees to exercise the option in terms of the guidelines issued by EPFO is short. Further, Regional provident Fund Commissioners may take some time to prescribe the Form in which option is to be exercised. If the Regional Commissioner prescribes a Joint Declaration Form, it may unlikely to be uniform. Hence KEA has written a letter dated 21-02-2023 to the Central Provident Fund Commissioner, EPFO, requesting that the CPFO Head Office may circulate a draft of the Joint Declaration Format to ensure uniformity



and CPFO may extend the time limit for submission of the Joint Declaration by another four months after seeking necessary permission from the Hon'ble Supreme Court.

A copy of the letter dated 21-02-2023 is attached.

**For, KARNATAKA EMPLOYERS' ASSOCIATION**

**Sd/  
[B C Prabhakar]  
President**



# KARNATAKA EMPLOYERS' ASSOCIATION

NO.74, 2<sup>nd</sup> FLOOR, SHANKARA ARCADE, VANIVILAS ROAD,  
BASAVANAGUDI, BENGALURU - 560 004  
Reg. No. TU 507 / 20-3-1962

**B.C. Prabhakar**, B.A., B.L.,  
President

**Date: 21.02.2023**

The Central Provident Fund Commissioner  
Employees' Provident Fund Organization  
Bhavishya Nidhi Bhawan  
No.14, Bhikaji Cama Place  
New Delhi – 110066.

Sir,

**Sub: Implementation of Hon'ble Supreme Court Judgment on claim for higher pension in the case of EPFO Vs. Sunil Kumar B, decided on 04.11.2022 in Special Leave Petition (C) Nos.8658-8659 of 2019 – Need to extend the time.**

1. The Provident Fund Organization has released instructions for implementation of judgment of Supreme Court in the case of EPFO vs. Sunil Kumar B. decided on 04.11.2022 vide Internal Circular No. Pension/2022/54877/15149 dated 29.12.2022.
2. Further instructions have been issued by the CPFC on the above subject vide Internal Circular No. Pension/2022/56258/16541 dated 20.02.2023 for compliance with the orders contained in Paras 44(iii) & (iv) read with Para 44(v) of the Hon'ble Supreme Court judgment dated 04.11.2022.
3. The time limit of four months specified by the Supreme Court for exercising the option for higher pension would expire on 04.03.2023.
4. The Internal Circular dated 20.02.2023 states that the proforma of Joint declaration by the employees and employers will be prescribed by respective Regional Commissioners.

5. The Commissioner is fully aware that the Pensioners are spread across length and breadth of the Country. In majority of cases, the retired employees might have settled at places other than the place where they were working. Further, those who are residing in Rural areas may not get the information with regard to judgment of Supreme Court as well as the directions issued by the EPFO for implementation of the judgment.

6. The time available for the employees to exercise the option in terms of the guidelines issued by EPFO is short. Further, Regional provident Fund Commissioners may take sometime to prescribe the Form in which option is to be exercised. If the Regional Commissioner prescribe Joint declaration form, it may unlikely to be uniform.

7. Karnataka Employers' Association requests that the EPFO may take following steps immediately:

- CPFO Head Office may circulate draft of the Joint Declaration Format to ensure uniformity.
- CPFO may extend the time limit for submission of Joint Declaration by another **four months** after seeking necessary permission from the Hon'ble Supreme Court.

8. The Association expects that your Office would take effective steps in respect of the above and thus, ensure that the Pensioners would get benefit of the judgment of Hon'ble Supreme Court as laid down in the case of Sunil Kumar B.

**For Karnataka Employers' Association**

*B. C. Prabhakar*

**B.C. Prabhakar**  
**President**

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