



**Circular No – 049 / 2023**

Date: 17.04.2023

To  
All Members of The Association

**FORMAT OF JOINT DECLARATION FOR  
CLAIMING HIGHER PENSION**

1. KEA has circulated the draft of the notice to be displayed on the notice board of the Establishment to enable the existing employees as well as the pensioners to claim higher pension on the basis of the judgement of the Supreme Court in the case of EPFO Vs. Sunil Kumar.B decided on 04.11.2022 vide Circular No. 30/2023 dated 22.02.2023.
2. The gist of the interim order dated 12.04.2023 passed by the Hon'ble High Court of Kerala in W.P.No. (C) No.8979/2023 and other connected 13 writ petitions was circulated to the members vide KEA Circular No. 48/2023 dated 13.04.2023.
3. The Association having regard to the interim order passed by the Hon'ble High Court of Kerala has devised format of joint declaration to be submitted to the EPFO by the serving employees as also those employees who are retired from the service. Revised formats are attached as Annexure-A & B respectively.
4. The application may be uploaded on the online mode. If for any reason, the application cannot be uploaded on the portal of the EPFO, the establishment may have the applications delivered at the office of



the concerned RPFC and acknowledgment may be obtained and preserved. If the same cannot be done for any reason, the application along with all the annexures be sent by RPAD and the postal acknowledgement may be preserved. If postal acknowledgment is not received, the establishment may download the postal tracking of the documents and preserved.

5. The entire process be completed before 03.05.2023 the last date specified by the EPFO for claiming higher pension in terms of the judgment of the Supreme Court.

**For, KARNATAKA EMPLOYERS' ASSOCIATION**

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

**Annexure-A****Format of Joint Declaration for Existing Employees****Date:00.04.2023**

To,  
Regional PF Commissioner,  
Employees Provident Fund Office,  
<<insert address of RPFC>>

Dear Sir,

**Sub: Claim for Higher Pension in Accordance with Judgment of the Supreme Court in the Case of EPFO & Another. Etc. Vs. Sunil Kumar .B & Others, SPJ (C) Nos. 8658-8659 of 2019**

Name of the Employer	
UAN NO.	
Name of the Establishment along with PF Code	
Mobile No.	
E-mail	
Aadhaar No.	

**Declaration By the Employee**

I am employed with \_\_\_\_\_ with effect from \_\_\_\_\_. I have contributed to the PF on a salary exceeding the statutory limit ever since I became a member of the PF. Further, the higher contributions were duly accepted by your goodself (i.e. duly credited to my account and interest paid thereon every year), as you will notice from my PF passbook. Since you have accepted the PF contributions on a higher salary, I understand it implies deemed approval under para 26(6) of the EPF scheme. Attached is an sample extract of my passbook for FY 2022-23 evidencing the PF contributions on a higher salary for your ready reference. Further, I have also come across interim



order dated 12.04.2023 passed by the Hon'ble High Court of Kerala dated 12.04.2023 in W.P. (C) No.8979/2023 and other connected 13 writ petitions under which the Hon'ble Court has directed EPFO dispense with production of Joint Declaration contemplated under para 26(6) of the EPF Scheme.

**Place:**

**Date:**

**(Signature of The Employee)**

### **Declaration by the Employer**

I \_\_\_\_\_ (Name and Designation) being authorized signatory as per form-5A of the EPF Scheme of M/s. \_\_\_\_\_ do, hereby, certify that Mr/Mrs is employed in the service of \_\_\_\_\_ since \_\_\_\_\_ and his/her PF Account No.\_\_\_\_\_.

The declaration made by the employee as above about his contribution to the provident fund is correct. \_\_\_\_\_ have also made contribution to the provident fund of the above employee on the salary exceeding the salary limit and declaration made by the employee is correct. \_\_\_\_\_ has remitted 8.33% of the contribution to PF to the pension fund and the said contribution to the pension fund is restricted to the statutory salary limit.

It is further submitted that the particulars furnished by the employee as above are correct.

**Date:**

**Place:**

Signature of the Official

**Enclosures: as above**

**Note:** If the employee was employed in different organization, he should attach a certificate issued by the concerned employer confirming the contribution made to the provident fund on actual salary etc. The originals of the certificate may be attached so that the verification by the existing employers will be on the basis of the original.



**Annexure-B****Format of Joint Declaration for Retired Employees  
(To be submitted to the Employer where the Employee was employed at  
the time of retirement)****Date: 00.04.2023**

To,  
Regional PF Commissioner,  
Employees Provident Fund Office,  
<<insert address of RPFC>>

Dear Sir,

**Sub: Claim for Higher Pension in Accordance with Judgment of the  
Supreme Court in the Case of EPFO & Another. Etc. Vs. Sunil Kumar .B &  
Others, SPJ (C) Nos. 8658-8659 of 2019**

Name of the Employer	
UAN NO.	
Name of the Establishment along with PF Code	
Mobile No.	
E-mail	
Aadhaar No.	
Name and number of the Bank Account to which pension is being remitted.	



## Declaration By the Pensioner

I was employed with \_\_\_\_\_ with effect from \_\_\_\_\_. I have contributed to the PF on a salary exceeding the statutory limit ever since I became a member of the PF. Previously I was employed with other establishments covered under the EPF Scheme and during the course of employment with them also I had contributed to the provident fund on actual salary over and above the statutory salary limit of coverage under EPF Scheme and the certificate in original issued by the said establishments in original are enclosed. Further, the higher contributions were duly accepted by your goodself (i.e. duly credited to my account and interest paid thereon every year), as you will notice from my PF passbook. Since you have accepted the PF contributions on a higher salary, I understand it implies deemed approval under para 26(6) of the EPF scheme. Further, I have also come across interim order dated 12.04.2023 passed by the Hon'ble High Court of Kerala dated 12.04.2023 in W.P. (C) No.8979/2023 and other connected 13 writ petitions under which the Hon'ble Court has directed EPFO dispense with production of Joint Declaration contemplated under para 26(6) of the EPF Scheme.

**Place:**

**Date:**

**(Signature of The Employee)**



## Declaration by the Immediate Past Employer

I \_\_\_\_\_ (Name and Designation) being authorized signatory as per form-5A of the EPF Scheme of M/s. \_\_\_\_\_ do, hereby, certify that Mr/Mrs is employed in the service of \_\_\_\_\_ since \_\_\_\_\_ and his/her PF Account No. \_\_\_\_\_.

The declaration made by the employee as above about his contribution to the provident fund is correct. \_\_\_\_\_ have also made contribution to the provident fund of the above employee on the salary exceeding the salary limit and declaration made by the employee is correct. \_\_\_\_\_ has remitted 8.33% of the contribution to PF to the pension fund and the said contribution to the pension fund is restricted to the statutory salary limit.

It is further submitted that the particulars furnished by the employee as above are correct and with regard to the details of the past employment, the facts stated by the employee have are certified on the basis of the original certificate produced by the employee.

**Date:**

**Place:**

Signature of the Official

**Enclosures: as above**