कर्मचारी भविष्य निधि संगठन

Employees' Provident Fund Organisation

श्रम एवं रोजगार मंत्रालय, भारत सरकार

Ministry of Labour & Employment, Government of India

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No. Pension-I / Judgment Kerala High Court /2018   Dated:

27 DEC 2018

To,

All the Addl. Central P.F. Commissioner (Zones),

All the Regional P.F. Commissioners incharge of Regions,

Sub: Judgement of Hon'ble Kerala High Court dated 12.10.2018 quashing notification dated 22.08.2014 – Regarding.

Sir,

The Hon'ble High Court of Kerala in W.P(C) No.13120 of 2015 and connected matters has made the following orders:

i. Notification No.GSR 609(E) dated 22.08.2014 set aside.

ii. All consequential orders and proceedings issued by the P.F authorities on the basis of the said amendment set aside.

iii. Orders of EPFO declining to grant exercise of joint option to make contribution on actual salary set aside.

iv. Employees entitled to exercise option under Para 26 of EPF Scheme without any insistence on a cut-off date.

2. The judgement of the Hon'ble Kerala High Court has major implications on the Employees' Pension Scheme, 1995. After analysing the various aspects of the judgement dated 12.10.2018 in consultation with panel Advocate, it has been decided to file SLP against the said order in the Hon'ble Supreme Court.

3. In the meantime, the RPFCs Incharge of the Region should ensure handling of the situation arising out of the aforesaid order of the Hon'ble High Court in a sensitive manner. Officers and staff should be sensitized to deal sympathetically with pensioners/members visiting the office for resolving issues arising subsequent to the judgement or for making enquiries regarding the matter.

{This issues with the approval of ACC (HQ) (Pension)}

Yours faithfully,

(MUKESH KUMAR)

REGIONAL P.F. COMMISSIONER-I (PENSION)