

UNITED FORUM OF MTNL UNIONS & ASSOCIATIONS MUMBAI WING

Constituents Unions & Associations

Telecom Executive Associations of MTNL(Team)* MTNL SC/ST Executive Association*MTNL SC/ST Welfare Associations*MTNL Workers Union*Sanchar Union of Non-Executives* MTNL Republican Employees Union Mumbai*MTNL Karmachari Union* Retired Telecom Officers Welfare Association (RTOWA)

*MTNL Pensioners Welfare Association (MPWA)

Shri. J. S. Yadav Chairman 9869041090	Shri. H. S. Upadhyaya Vice Chairman 9869435995	Shri. S. M. Sawant Convener 9869072424	Smt. Jyoti Sonawadekar Jt. Convener 9869037373	Shri. P. K. Kulkarni Treasurer 9869277999
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No. MTNLUF/Mumbai/EPF Pension/ Corr./2020.

Dated 18th Aug' 2020

To

The Chairman-cum-Managing Director
MTNL, 9-CGO Complex, Lodhi Road, New Delhi-110003

Sub: Calling of Option under Rule 11(3) of the EPS 1995 from all CPF opted employees and pensioners of MTNL for Higher Pension in view of MTNL being an "Un- exempted establishment" w.e.f. 31/1/2013

Ref:- (1) EPFO Letter No. E/DL/8444/Ex dated. 11.1.2013, 19-03-2020 and 05/05/2020
(2) MTNL Letter dated.25.02.2020, 23.06.202 and office order dated.06/07/2020.

Respected Sir,

It is requested to consider the following submissions.

1. MTNL has become an "Un-exempted establishment vide EPFO Lr. No.E/DL/8444/Rel/1189 dated 11.01.2013 with effect from 31.01.2013. This order of EPFO has 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 the matter of LPA 111/2015 in its order dated 10.01.2020, vide Para 26 has extended the benefits of Higher EPS Pension as specified in EPFO Circular Pension-1/12/EPS Amendment/96./Vol.II Dated.23-03-2017 to all the employees under the ambit of MTNL EPF Trust. Subsequently EPFO has directed MTNL vide letter No. E/DL/8444/Ex/13744 dated 19 MAR 2020 to comply with its orders dated 11.01.2013 and to function as Un-Exempt establishment with effect from 31.01.2013. This was further confirmed vide EPFO Letter E/DL/8444/Ex/149 dated 05- MAY-2020.
2. In view of the above, all working employees and pensioners of MTNL who opted for CPF Pension become eligible for higher pension based on higher salary under proviso to Para 11(3) of the EPS 1995 on furnishing a Joint option of the Employer and Employees in accordance of the EPFO HQ Circular No. Pension-1/12/EPS Amendment/96./Vol.II dated.23-03-2017. **MTNL as well as the employees (including the retired) have contributed to Provident Fund on higher wages exceeding the wage ceiling of Rs.5000/Rs.6500/-Rs.15000/- , and have been allowed to divert 8.33% of the employer's contribution of actual salary to the 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 the Employer and Employees.**
3. In this regard MTNL Corporate office vide letter No. IRW/21(88)/2015/731 dated 18/04/2017 informed ED MTNL Mumbai/ Delhi that **"Further the HR Unit along with EPF Trust will work out the modalities and consult EPFO to lay down the procedure to be adopted for**

implementation of the EPFO letter dated 23rd March'2017." ***Therefore it is requested to take immediate follow up action for payment of higher pension. In our view, action should be initiated immediately to call for the Joint Option from all the working Employees and Retirees under the ambit of MTNL EPF Trust since inception and forward to the EPFO for further process.***

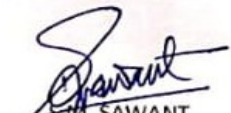
4. By calling option as required above, there would perhaps emerge three types of categories of employees and retirees who are covered by EPS 1995 for higher EPS Pension as stated below:
- a) Those Employees who are willing and working in roles of MTNL establishment, as well as subscribing to CPF on their actual salary higher than the statutory limits.
 - b) Those who are already retired from MTNL and received the full and final EPF Settlement and covered under EPS 1995, also willing to remit the amount due to the Pension Fund to become eligible for higher pension on their actual salary and undertake to remit the amount (including up to date interest) and also willing to exercise option herein subject to the final outcome of the Hon'ble Supreme Court in the Review Petition filed by EPFO in this regard.
 - c) There is a set of employees who have opted VRS w.e.f. 31/01/2020 and their 30% of the CPF contribution and along with interest is at credit with MTNL , and willing to exercise option to divert the required sum to the Pension Fund at the rate of 8.33% of employer's contribution to become eligible for Higher EPS Pension.

In case of any shortfall, the employees / pensioners would undertake to authorize MTNL to adjust it from the balance payment due to them namely, Ex-gratia, Service Gratuity and Leave Encashment, also the option that would be exercised herein is subject to the final outcome of the Hon'ble Supreme Court in the Review Petition filed by EPFO in this regard.

Sir, the employees / pensioners would be deprived off their legitimate right of higher pension for ever if right steps are not taken now. At present, the CPF opted employees are eligible to get only a meagre amount of pension on retirement despite MTNL's contribution on the actual salary. Pensioners are getting a meagre sum as pension restricted by the ceilings even though MTNL has contributed on their actual salary which is far higher than the limits. **Therefore it is requested to cause to initiate necessary action immediately without further loss of time for calling of options as narrated above to envisage our employees as well as retirees to become eligible for higher EPS Pension to which they are rightfully entitled to and which will not cause any financial loss to MTNL.**

With high regards,

Yours Faithfully


S.M. SAWANT
General Secretary MPWA
9869072424

CONVENOR UFORUM MUMBAI


J.S. YADAV
JT. General Secretary RTOWA
9869041090

CHAIRMAN UFORUM MUMBAI

Copy to the following with a request to cause to take necessary steps in this regard.

1. The Secretary Department of Labour
2. The Secretary Department of Telecom
3. Sri Alok Yadav, Regional Provident Fund Commissioner, Bhavishya Nidhi Bhawan, 28 Community Centre, Wazirpur Industrial Area, Delhi-110052
4. Asstt. Provident Fund Commissioner (Exemption), Regional Office, EPFO Delhi (Central),