



दि ब्रेथवेट बर्न एण्ड जेसप कंस्ट्रक्शन कंपनी लिमिटेड  
THE BRAITHWAITE BURN AND JESSOP  
CONSTRUCTION COMPANY LIMITED

(भारत सरकार का उद्यम)

(A GOVT. OF INDIA ENTERPRISE)

पंजीकृत कार्यालय : 27, राजेन्द्रनाथ मुखर्जी रोड, कोलकाता-700 001

Regd. Office : 27, Rajendra Nath Mukherjee Road

P.O. Box No. 2689, Kolkata-700 001

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Website : www.bbjconst.com  
CIN : U70100WB1986GOI041286



दिनांक/Date \_\_\_\_\_

संदर्भ सं./Ref. No. \_\_\_\_\_

AM(P&A/AK/P/CIR/2023-01

31.01.2023

**CIRCULAR**

Hon'ble Supreme Court in Civil Appeals Nos. 008143-008144 of 2022 arising out of Special Leave petition (C) Nos. 8658-8659 of 2019 in the matter of the Employees Provident Fund Organization and Another vs Sunil Kumar B and Others has delivered a Judgement dated 04.11.2022 and in connection with Circular No. Pension/2022/54988/15149 dated 29<sup>th</sup> December, 2022 from EPFO Head Office (Copy attached) which is issued in compliance of Order contained in para 44(ix) read with para 44(v) & (vi) of the Hon'ble Supreme Court Judgement dated 04.11.2022.

**(A) Employees who had exited the Scheme before 01/09/2014 (i.e. attained age of 58 before 01/09/2014):**

As per our interpretation of aforesaid circular, it is currently addressing employees who have exited the scheme (EPS) prior to 1<sup>st</sup> September, 2014, and had exercised the option for EPS 95 pension on higher salary under para 11(3) of 1995 Scheme and whose application for higher pension was rejected by EPFO.

As per records available, no ex-employee of the Company who had exited the scheme before 01/09/2014 is covered under above provisions. Hence, this Circular does not cover any of our retired employees.

**(B) Serving employees OR employees who have exited the Scheme after 01/09/2014 (i.e. who have attained age of 58 after 01/09/2014):**

As per the para 44(iv) of the Judgment of Hon'ble Supreme Court, time limit of four months has been given to eligible employees to exercise joint option for contributions to EPS 95 Scheme on actual salary and consequent determination of higher Pension. It is expected that EPFO will issue a separate Circular/Guidelines for these category of employees.

*fuilky amakar*  
31/01/2023



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(2)


Meanwhile, we have already taken up the matter with EPFO Regional Head Office for necessary clarification/ modification.

While detailed modalities for operationalizing the verdict is awaited from EPFO, the Company has devised Joint Declaration Form [Copy Attached] to exercise the option of higher wages contribution under EPS'95 Scheme as a preliminary exercise & preparedness to exercise the option within the time period for submission of the option. Last date for submission of Joint Declaration Form to HR Department is 15<sup>th</sup> February, 2023.

We will update further course of action once we receive circular from EPFO for the above category of employees.

This issues with the approval of the Competent Authority.

For The Braithwaite Burn & Jessop Construction Co. Ltd.

  
(Amit Karmakar) 21/01/23  
Asstt. Manager (P&A)

Cc: To All Employees – Regular / Retired.