



**Circular**

(09<sup>th</sup> Jan 2020)

**Sub: Challenging EPS'95 amendment GSR 609(E) in the Supreme Court**

Kindly refer CEC letter to Chairman CC/ATCG/Welfare/Pension/2020/01 dated 21st Sep 2020.

A large number of ATCOs of AAI are affected by the action of Employees Provident Fund Organization (EPFO) in bringing out the amendments to the Employees Pension Scheme, 1995 (EPS'95) vide GSR 609(E) dated 22.08.2014.

GSR 609 (E) w.e.f. 01.09.2014 has many provision / changes made :

1. Pensionable salary is to be calculated on last 60 months average pay instead of last 12 months and pension and withdrawal benefits to be determined on pro-rata basis for contribution periods of Rs 6500 and Rs 15000.
2. Option for contribution on higher salary proviso to para 11(3) is deleted and a new para 11(4) is introduced in EPS'95.
3. New employees having salary above Rs 15000 will not be eligible for EPS'95 membership.

The below categories are affected by GSR 609(E)

1. ATCOs who joined prior to 01.09.2014 and are still serving and having Pension option A.
  - The pensionable salary is reduced considerably by averaging 60 months salary in place of 12 months to determine the last drawn salary.
2. ATCOs who joined on and after 01.09.2014.
  - Denied to become the member of EPS'95 and provision of contribution on actual salary to Pension Fund is also not extended.

Kerala High Court in its ruling (October 2018) set aside the notification no. GSR 609 (E) dated 22.08.2014 along with all the related consequential orders and proceedings. EPFO has not yet withdrawn this amendment. Regional Provident Fund Commissioners (RPFs) have taken a stand that decision of a different High Court following the said Judgment allowing such option to employees of exempted establishments are not binding on them and directing each employee to obtain court orders.

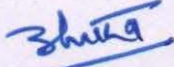
Few of the similarly placed employees of other PSUs have filed petitions in the Supreme Court (SC). Currently there are close to 40 petitions in the SC. All these petitions are clubbed together and are listed for a common hearing. It is advised that the ATCOs affected by GSR 609 (E) become party to this case by name.

ATCG will facilitate the filing of individual petitions for the ATCOs who wish to become party to the case in the SC. It is requested that the willingness for the same along with the required details be submitted at the earliest by 14<sup>th</sup> January 2021.

The links for Google form is attached below.

[https://docs.google.com/forms/d/e/1FAIpQLSc3hc043GWikgsqDroWu9RTUHx2zWTFRXXsPIV UolxGaBMYw/viewform?usp=sf link](https://docs.google.com/forms/d/e/1FAIpQLSc3hc043GWikgsqDroWu9RTUHx2zWTFRXXsPIV UolxGaBMYw/viewform?usp=sf_link)

Endeavor is to keep the financial implications of the case minimum and the details of the same will be intimated accordingly to the petitioners.



(ALOK YADAV)

General Secretary