

MINISTRY OF LABOUR AND EMPLOYMENT
NOTIFICATION

New Delhi, the 3rd May, 2023

S.O. 2061(E).—Whereas the Hon'ble Supreme Court had *vide* its Judgment, dated the 4th November, 2022, in Civil Appeal No. 8143-8144 of 2022 [SLP(C) Nos. 8658-8659 of 2019] in the matter of the Employees' Provident Fund Organisation and others *versus* Sunil Kumar B. and others, along with other tagged matters, held the requirement of the members to contribute at the rate of 1.16 per cent. of their salary to the extent such salary exceeds fifteen thousand rupees per month as an additional contribution under the provisions of sub-paragraph (4) of paragraph 11 of the Employees' Pension Scheme, 1995 to be *ultra vires* the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952);

And whereas, the Hon'ble Supreme Court suspended the operation of the aforementioned part of the said Judgment for a period of six months and directed the authorities to make adjustments in the said Scheme;

And whereas, accordingly, to comply with the said directions of the Hon'ble Supreme Court and since the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) has been subsumed in the Code on Social Security, 2020 (36 of 2020), the Central Government has decided to bring into force the relevant provisions of the said Code;

Now, therefore, in exercise of the powers conferred by sub-clause (i) of clause (b) of sub-section (1) of section 16 of the Code on Social Security, 2020 (36 of 2020), the Central Government hereby notifies the following, namely:-

- (i) in respect of members who have exercised joint option for contributing under the provisions of paragraph 11 of the Employees' Pension Scheme, 1995 and who are found eligible, the employer's contribution shall be nine and forty-ninth per cent. **(9.49%)** of the basic wages, dearness allowance and retaining allowance of each member by increasing one and sixteenth per cent. **(1.16%)** from the extant eight and one-third per cent. **(8.33%)**; and
 - (ii) the increased contribution shall be applicable to basic wages, dearness allowance and retaining allowance to the extent such basic wages, dearness allowance and retaining allowance exceed fifteen thousand rupees per month.
2. This notification shall be deemed to have come into force on the 1st day of September, 2014.

[F. No. R-15011/02/2023-SS-II]

VIBHA BHALLA, Jt. Secy.