



# All India Graduate Engineers & Telecom Officers Association

## Central Headquarter, New Delhi

( The Recognised Representative Association of BSNL )



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GS / AIGETOA / 2022-23 / 55

Dated 17.04.2023

To,

**Shri P K Purwar Ji,**  
**Chairman & Managing Director, BSNL**  
**Janpath, New Delhi.**

**Subject: Urgent Physical Submission of 26(6) forms in respect of BSNL recruited employees to respective RPFCs reg.**

#### References

1. Ltr No BSNLCO-CA/30/2022-CA-ERP-FICO dated 10-03-2023.
2. GS/AIGETOA/2022-23/39 dated 09-03-2023.
3. Hon SC judgement dated 04-11-2022 on SLP(C) 8658-8659/2019.
4. Hon HC judgement dated 12-10-2018 on WP(C) 13120/2015 & Conn.

Respected Sir,

This association is thankful to your good self for realising the gravity of the EPF enhanced pension matter of BSNL recruited employees. Your kind attention is requested to the letter under reference - 2 and subsequent communication from BSNL corporate office to CPFC (ref-1) with regard to deemed exercise consideration of 26(6) approval for BSNL recruited employees as BSNL and its employees have contiguously contributing on the basis of actual wages above the wage ceiling limit (5000/6500/15000) including the administrative charges as the case may be, for the past two decades (as needed) as per EPF scheme 1952 and the EPF account of each and every employee has been updated by EPFO from time to time by accounting the actual contributions.

Even though BSNL as an employer had made several communications with EPFO and the CPFC/EPFO was very well informed about the contributions made by BSNL on account of actual wages including the administrative charges, we are yet to get any reply from CPFC deemed exercise approval till date. AIGETOA has successfully got an interim direction from Hon HC Kerala, vide judgement dated 12/4/2022 on WPC 8979/23 & 11154/23 that the mandatory submission of 26(6) need not be insisted upon the higher pension option submission. **Accordingly the mandatory stipulation is removed and we can move to the next session through online link.** But it may also be noted that, the request by employee and employer should also be there with EPFO through 26(6) without any insistence of a date. However, **the last date for online submission for EPF enhanced pension being 3<sup>rd</sup> May 2023**, we request that all circles should be immediately directed to do the needful as stated below:

1. **Collect the 26(6) forms each BSNL recruited employee and after joint signature by respective DDOs, submit the same to respective EPFO at the earliest as per Hon HC Kerala judgement dated 12-10-2018 on WP(c) 13120/2015 & connected cases viz WP(c) 39855/2017, WP(c) 41071/2017 & WP(c) 3001/2018 where BSNL employees are also direct applicants and BSNL is direct party is there, stating that every eligible can submit 26(6) without restriction on cut-off date.**

The operative part of judgement dated 12-10-2018 para-38(iv) read as follows **“The employees shall be entitled to exercise the option stipulated by paragraph 26 of the EPF Scheme without being restricted in doing so by the insistence on a date”**.

2. **A copy of jointly signed 26(6) form by concerned DDO (which is to be submitted to EPFO) may be made applicable to each employee also , so that the same can be used by employee along with an undertaking of 26(6) submission in the online link provided by EPFO stipulated for the 26(6) approval.**

Even though various efforts are being taken through management, legal, parliamentarians etc, the above mentioned exercise by the employer (i.e. BSNL) will additionally help all BSNL recruited employees who are eligible to apply for higher pension based on actual wages if they wished to, as contemplated. It is also may be noted that employees should not be punished for the delay from any organization or establishments or any procedural delay of documentation.

**This association request your immediate intervention in this matter and direct all circles to collect the 26(6) forms and submit the same to respective RPFs after signing from circle DDOs , which is purely within the purview of employer i.e. BSNL and will help the BSNL employees are deprived of the social security measures such as government statutory pension. We also request that a certificate from BSNL by stating the compliance of 26(6) on contributions of actual wages and a copy of the joint option request signed by employee and employer to higher Pension aspired employee may be made available immediately.**

**We also request that an EPF cell may be constituted at Circle level on war footing basis so as to check and proceed with all applications within time. Being the recognised executive association we are expressing our support and volunteering in all circles as per need to get the works done including those of transportation of forms by hand to Circle office from various BA units.**

Regards

Encl: As referred above

**Sd/-  
(Pavan Akhand)  
General Secretary, AIGETOA**

**Copy to :**

1. **Shri Arvind Vadnerkar, Director (HR), BSNL Board, New Delhi for kind information please.**
2. **Shri Rajiv Kumar, Director (Finance), BSNL Board for kind information please.**
3. **Smt Anita Johri, PGM (SR) for kind information please.**