

Seventeenth Loksabha

an>

Title : Involvement of Ministry of Labour and Employment with respect to the Employee's Pension Scheme, 1995

SHRI N. K. PREMACHANDRAN (KOLLAM): Hon. Chairperson, Sir, thank you very much for giving me an opportunity to speak. I would like to raise a very serious matter of urgent concern in which the involvement of the Ministry of Labour and Employment is required with respect to the Employees' Pension Scheme, 1995.

Hon. Chairperson, it may kindly be seen that on 4th November, 2022, the hon. Supreme Court delivered a judgment in respect of Employees' Pension Scheme, 1995 regarding the higher pension on the basis of actual salary. The matter was heard by various hon. High Courts of India, including Kerala High Court, Rajasthan High Court, and Delhi High Court, and they delivered their judgments. Against the judgments of these hon. High Courts, the Ministry of Labour and Employment, Government of India and the Employees' Provident Fund Organisation have preferred a special leave to appeal. That appeal has been rejected and dismissed by the hon. Supreme Court. Subsequently, a review petition was filed. The review petition was further allowed and a detailed judgment was delivered. The judgment is affecting millions of workers in the country, including those who are in service and also those who are out of service, who have already opted for pension. As far as the judgment is concerned, series of ramifications are there.

So, my point is this. As per the judgment of 2022 -- with respect to the Employees' Pension Scheme -- those who have not opted for higher pension on the basis of the actual salary are entitled to opt for the pension within four months from the date of the judgment. The date of judgment was 04.11.2022. But it is quite unfortunate to note that the Employees' Provident Fund Organisation has not taken any steps to implement the judgment and order of the hon. Supreme Court. That is adversely affecting the poor workers.

The second point is this. Those who have already retired – prior to 01.09.2014 – are not entitled to opt for higher pension. But at the same time, the R.C. Gupta Judgment is approved and ratified in the judgment. So, there is an ambiguity as far as the Employees' Pension Scheme is concerned.

Therefore, my point is that the Government of India should come out with a clear statement with regard to the implementation of the judgment of the hon. Supreme Court and also with regard to those who have already retired before 01.09.2014. I would urge upon the Ministry of Labour and Employment to come out with a statement for the implementation of the judgment at the earliest so as to protect the interests of the workers. Thank you very much.