



EMPLOYEES' OLD AGE BENEFITS INSTITUTION

OFFICE OF THE DIRECTOR GENERAL (OPERATIONS)
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Circular No. 05 / 2017-18 [Retrieval of PR-02A u/s. 10 of EOB Act, 1976]

1) Preamble

The prime responsibility of every officer of the institution is to act as a "Trustee" of the "EOB Fund" with the responsibility to ensure that all benefits are paid out of the fund in a uniform and judicious manner in accordance with the requirements of EOB Act 1976, Rules & Regulations made there-under as well as other statutes and canons of law. There is no room for disbursement of benefits on the basis of past liberal practices based on element of sympathy, divorced from legal dictums.

The EOB fund is fast depleting due to legal lacunas, post devolution litigations and increasing liability of enhanced benefits. The last actuarial evaluation of the fund upto 30.06.2012 carried out in 2015 has revealed that the EOB fund shall start depleting in 2023 and be exhausted in 2027. It is therefore, incumbent every officer of the institution whether they work in the Operations, Adjudication, IT, Law, Finance etc. to ensure sustainability of the fund on long term basis to avoid any situation of chaos and uncertainty arising from possible depletion of the fund.

This Circular on Retrieval of PR-02A u/s. 10 of EOB Act, 1976 should be understood in the above prospective. It shall therefore be incumbent upon every officer of the Institution to implement this Circular in the letter in spirit.

2) Retrieval of PR-02A u/s. 10 of EOB Act, 1976

In disregard to Law, pension claims are settled by Regions on the basis of Service verification rather than verification of insurable employment / contribution payments, despite an amendment to Section 22 of EOB Act, 1976 w.e.f. 30th June, 2002, which requires "Paid Contribution" for pension settlement, for the insurable employment after 30.06.2002.

Employers generally don't submit particulars of their employees on the prescribed format i.e. PR-02A mandated under Rule 8 of the EOB (Constitution) Rules, 1976, which is the only source to verify insured persons for benefits available under EOB Act, 1976.

In section 22 of the EOB Act, 1976; word "Payable" was substituted with the word or "Paid" through amendment in the said section in 2002. Section is reproduced as under:-

Section 22. OLD-AGE PENSION

(1) An insured person shall be entitled to a monthly old-age pension at the rates specified in the schedule Provided that:-

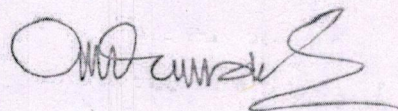
- (a) he is over sixty years of age, or fifty five years in the case of a woman;
- and
- b) contribution in respect of him were paid for not less than fifteen years.

Provided further that the age specified in clause (a) will be reduced by five years in the case of an insured person employed in the occupation of mining for at least ten years immediately preceding retirement.

Provided also that where the employee was insured under the provisions of this Act on or before 30th June 2002, and contributions payable under the Act by the employer prior to 30th June, 2002, in respect of said insured person had not been paid, the insured person shall enjoy the rights under this Act as if for the word "payable" the word "paid" were not substituted:

"Provided further that where the contribution under section 9B is paid regularly by the insured person himself in accordance with prescribed procedure, his entitlement to the benefit shall not be affected by default in payment of employer's share of contribution under section 9" and.....

This section clearly provides conditions of "Paid Contribution" to qualify for Old-Age pension, which are required to be fulfilled by every Region, employer and the insured person for award of pension. In order to verify the paid contribution, filling of prescribed Form PR-02A is required under Rule 8 of the EOB (Constitution) Rules, 1976. After 2002, it is mandatory to establish that all employees whose contribution was deposited with the Institution are identified by employer through PR-02A Form to satisfy the institution with conditions enumerated in section 22 of the EOB Act, 1976. It is statutory requirement for employers to pay contribution and file the PR-02A Forms as set out in EOB (Contribution), Rules 1976. The relevant portion of the said rule is reproduced as under:



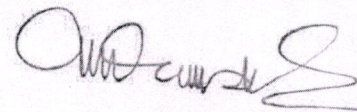
"The employer shall file with the institution, information at the time of registration and thereafter in the month of July every year as set out in Form PR-02 for self-assessment scheme and in Form PR-02A for normal scheme alongwith copy of paid challan as set out in Form PR-03....."

The employers often claim that they have not submitted PR-02A as it was never demanded by the Regional Office. However, such a claim does not absolve them from filing of mandatory returns.

Verification of paid pension contribution is only possible if employers have filed employees data through PR02A manually or FS / electronically. Therefore, it is hereby directed that in future, whenever, any pension claim is filed in the Region, the "Benefits Section" will ascertain the claim on the basis of details filed by the employer in respect of contribution paid through PR-02A Form in addition to other requirements for processing of claims. In case, the contribution payment data of the claimant does not appear in the system, filing of PR-02A Form by the employer shall be checked.

The detailed mechanism for filing of PR02A form is enumerated as under;

- (i) IT department will provide facility to upload soft and hard copies of PR-02A Forms on monthly basis based on contribution paid by the employer for any period since 2002.
- (ii) After every quarter, VR-003 shall be sent to those employers, who have not submitted PR-02A Form. The employers who have filed employees data on monthly basis through FS shall not be issued VR-003.
- (iii) Once the data is received from the employer it shall be uploaded as scanned documents in the centralized database link provided by IT.
- (iv) Hard copy upload file name shall be named as "PR-02A_Reg No._Year_month-year".
- (v) Soft data submission to Beat Officers outside FS shall be verified by employers through signatures and official stamp on the printed version. Step 4 shall be followed in such cases.



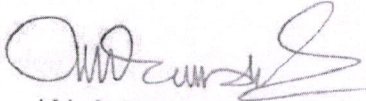
- (vi) Soft data received in Point 5 above shall also be uploaded through link for soft data provided by IT Department.
- (vii) In order to facilitate employers for submission of PR-02A Form for previous years since 2002, consolidated PR-02A Form may be filed alongwith PR-02B Form for exited employees. In this manner complete list with minimum compilation work can be obtained / submitted by employers.
- (viii) I.T. Department will also provide regions option to view uploaded / scanned PR-02A Form of any employer for any period.
- (ix) While verifying insurable employment, if PR-02A Form is not received and individual contribution history of IP is not available, the insurable employment shall be treated as "Unverified".
- (x) Post 2002 amendment, contribution period shall be verified strictly in accordance with law and details specified above.

*The IT Department shall enable issuance of VR-003 Form on quarterly basis. However, such VR-003 Form shall not be converted into VR-006 Form before completion of one whole year of default / financial year

Any instructions issued through any other Circular in contradiction of the above instructions shall stand repealed to the extent of inconsistency.

This Circular shall override any of the previous Circulars / instructions on the subject to the extent of inconsistency. All pending pension claim as on the date of this Circular shall be processed under this Circular.

This Circular is being issued with the approval of Chairman, EOBI.


(Abdul Wahid Uqaily)
Director General (Operations)