

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14844 of 2014

1. Dr. Nityanand Singh Maurya @ Nitya Nand Singh S/o Y.P. Singh Maurya
R/o Sudama Kutir, West Boring Canalm Road, Patna
2. Sawal Kishore Singh S/o Ambika Prasad Sharma R/o Laxmi Nagar East ,
Khemichak, Patna - 800027
3. Ayaz Ahmad son of Late Sharfuddin Ahmad R/o Akbarpur, Barh, Patna
4. Dr. Rishi Kumar Jha S/o Kashi Kant Jha R/o F - 121, P.C. Colony, Lohiya
Nagar, Kankarbagh, Patna - 20
5. Dr. Amar Nath Sinha S/o Nawin Kumar Ambastha R/o 311/C, Jyotipuram
Aptt. Jagdeopath Golambar, Bailey Road, Patna-14
6. Dr. Rajesh Kumar Sinha Son of Sri Ram Bilas Singh resident of Shahganj,
Nahar Road, District - Patna
7. Dr. Ashish Ranjan Sinha S/o Dr. K.K. Sinha R/o CC - 82, P.C. Colony,
Kankarbagh, Patna
8. Dr. Anshuman Singh Son of Sri Sudhansu Mohan Singh resident of 'Sushant'
Near Indraprastha Apartment, West Boring Canal Road, District - Patna
9. Arun Kumar S/o Brijendra Prasad R/o Marauti Nagar, Chiranyatadh, Patna -
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10. Dr. Amit Kumar S/o Suresh Kumar Sinha R/o New Patliputra Colony, Road
No. 3H, House No. 328, Patna - 800013

... .. Petitioner/s

Versus

1. The National Institute Of Technology AshokRajpath, Patna-8000005
through its Registrar.
2. Drwaing and Disbursing Officer, National Institute of Technology Ashok
Rajpath, Patna - 8000005
3. The Secretary, Department of Higher Education, Ministry of Human
Resource Development (HRD) , Government of India, Shastry Bhawan, Dr.



Rajendra Prasad Road, New Delhi-110001.

4. Pension Fund Regulatory and Development Authority, First Floor, ICADR Building, Plot No.6, Vasant Kunj, Institutional Area, Phase - II, New Delhi - 110070 through its Chairman
5. Deputy General Manager (Grievance Cell), Pension Fund Regulatory and Development Authority, First Floor, ICADR Building, Plot No.6, Vasant Kunj, Institutional Area, Phase - II, New Delhi - 110070
6. Deputy Secretary, Ministry of Human Resource Development (HRD) , Government of India, Shastri Bhawan, Dr. Rajendra Prasad Road, New Delhi - 110001
7. The Union of India through the Secretary, Department of Economic Affairs, Ministry of Finance.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Mrigank Mauli,Advocate with Mr. Venkatesh Kriti and Mr Sanjay Kumar Advocates
For the Respondent/s	:	Mr.Y.V.Giri, Sr. Advocate with Mr. S.K.Giri, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 15-10-2019

The instant writ petition was filed for a direction upon the respondent authorities to deposit the entire amount of money deducted from the petitioners' salary against the National Pension Scheme from 2005 i.e. from the date of their employment. The petitioners' also sought a direction for deposit of the Employers contribution with the 'Pension Fund' of the Pension Fund Regulatory and Development Authority in terms of the Pension Fund Regulatory and Development Authority



Act, 2013 (*hereinafter referred to as the 'P.F.R.D.A. Act, 2013'*).

2. The learned senior counsel appearing on behalf of the respondent- Institute placing reliance on paragraph no.6 of their counter affidavit and resolution dated 03.03.2015, submits that Institute had resolved that upto the date when the Govt. of India had allowed for payment of G.P.F. interest rate on all N.P.S. subscriber i.e. on 31.03.2008, the G.P.F. interest rate be paid; and afterwards only that interest rate shall be payable which could be met out of the actual interest earned on N.P.S. contributions over the period by N.I.T. Patna. As a result of aforesaid decision of the Board of Governors, respondent- Institute claims that contribution of the petitioner including the contribution of the respondents along with interest at the rate of 8.5% have been deposited with the P.F.R.D.A. under the new pension scheme for the period for which the petitioners' agitate their demand.

3. Mr. Mouli, learned counsel appearing the petitioners, referring to the N.P.S. transaction statements of the petitioner (Annexure- P-11), submits that the same does not reflect the correct factual position as per the decision of the Board of Governors and the stand taken by the respondent Institute. He



further highlights that the statements demonstrate that a lesser rate of interest has been granted on the amount of deposit..

4. Learned senior counsel appearing for the respondent-Institute submits that in view of the stand of the Board of Governors, the claim, in so far as 8.5% interest on the deposits is concerned, is admitted. The respondent-Institute would furnish details of calculation in respect of the petitioners to demonstrate that the contributions have been deposited along with 8.5% interest and not any lesser amount, if there is any shortfall or discrepancy, the same would also be made good and the respondent - Institute would ensure that as per the decision of the Board of Governors dated 03.03.2015, 8.5% interest has been deposited and if not, balance will be deposited in respect of the contributions earlier deposited.

5. Statements made on behalf of the respondent -Institute, is being recorded in the instant order, and as such, no further orders are required to be passed, in respect of petitioners' entitlement. This court would only observe that the details depicting the calculation of the amounts along with rate of interest should be provided to the petitioners in terms of the statement/stand of the respondent- Institute and, if there is a shortfall, then the respondent -Institute will ensure that the same



is made good by depositing the balance so as to to ensure 8.5% interest on the amount of contributions. The entire exercise should be completed by the respondent- Institute within a period of four (04) months from the date of receipt/production of a copy of this order.

6. The counsel for the petitioner further submits that he would be approaching the Pension Fund Regulatory and Development Authority to pursue the matter in light of the communicated dated 20.08.2015 issued by the respondent-Authority. Without expressing any opinion on the merits of the said claim, this Court would grant liberty to the petitioners' counsel to pursue the issue before the Authority.

7. The writ petition is allowed in the aforesaid terms.

(Madhuresh Prasad, J)

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AFR/NAFR	NAFR
CAV DATE	
Uploading Date	18.10.2019
Transmission Date	

