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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ CONT.CAS(C) 500/2020

NIRAJ KUMAR SINGH ..... Petitioner

Through: Mr. Ankur Chhibber, Advocate (email:ankurchhibber@gmail.com)

versus

SHRI AJAY KUMAR BHALLA AND ORS ..... Respondents

Through: Mr. Akshay Amritanshu, Sr. Panel Counsel with Mr. Samyak Jain, Mr. Ayush Raj, Ms. Anjali Kumari, Advocates (M:9931282222,9800885319)

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

<u>O R D E R</u>

% **26.02.2024**

1. The present petition has been filed against the respondents alleging non-compliance of the order dated 13th December, 2019 passed by the Division Bench in *W.P.(C) 13129/2019*. By way of the said order, the respondents had been directed to extend the benefit of Old Pension Scheme to the petitioner in terms of the CCS (Pension) Rules 1972, by issuing appropriate orders.

2. Mr. Ankur Chhibber, learned counsel for petitioner submits that against the aforesaid order, an appeal being *SLP(C) No. 1719/2021* had been filed by the respondents, which was dismissed by the Supreme Court vide order dated 06th September, 2023. He further submits that pursuant to the dismissal of the aforesaid appeal by the Supreme Court, the respondent, i.e., Ministry of Home Affairs, Government of India, has issued an order dated 24th August, 2023, wherein, the petitioner's pension account has now been

converted into Old Pension Account under CCS (Pension) Rules 1972. The office order dated 24th August, 2023 issued by the Ministry of Home Affairs, Government of India, is reproduced as under:

"Government of India
Ministry of Home Affairs (HMA)
Office of the Deputy Inspector General
Sector Hqrs., SSB Pilibhit
Distt. Pilibhit (U.P.):262001

No.Estt-I/G-118/SHQ-PBT/SSB/Pension/2023/6419-25

24th August, 2023

Office Order

In pursuance of MHA Office Memorandum No.45020/2/2023/Legal-I dated 07/03/2023 and Force Hqrs, SSB New Delhi Office Memorandum No. 1/Org/Inst/SSB/2022 (247)/1124-34 dated 21/03/2023 conveying there under Ministry of Personnel, Public Grievances and Pensions, Department of Pension and Pensioners Welfare Office Memorandum No. 57/05/2021-P&PW(B) dated 03/03/2023 and FHQ SSB, New Delhi Wan msg. No. E-106/13/2023-Pers-I (E-10213)/797-804 dated 21/07/2023, ***Sh. Niraj Kumar Singh, Deputy Commandant*** *(UIN-10180910) of 39th Battalion, SSB Palia Kalan who was appointed as Sub-Inspector (GD) on 14/07/2005 against the post/vacancies advertised/notified for recruitment Advt. No. 3/4/2003-P&P-I published in Employment News dated 21-27 June, 2003 for the post of Sub-Inspector (GD) in Special Service Bureau (now Sashastra Seema Bal), prior to the date of notification of National Pension System i.e. 22/12/2003 and was covered under the National Pension System on joining his service in SSB, has exercised one-time option to switch over to the pension scheme under the CCS (Pension) Rules, 1972 (now 2021) in accordance with para-4 of Dop&PW OM No. 57/05/2021-P&PW(B) dated 03/03/2023.*

2. Accordingly, the undersigned being the appointing authority of Sub- Inspector is pleased to accept one time option submitted by the above officer and allowed him to switch over to the pension scheme under the CCS (Pension) Rules, 1972 (now 2021) in accordance with para-4 of Dop&PW OM No. 57/05/2021-P&PW(B) dated 03/03/2023.

3. The option exercised by the above officer is final.

4. The NPS account of the above officer shall, consequently, be closed w.e.f. 31st December, 2023.

5. Further, accountable of the corpus in the NPS account of the above officer will be in accordance with controller General of Accounts (CGA) letter No. 1/(7)(2)/2010/cla./T.A III/390 dated 14/11/2019 & I.D Note No. TA-3-6/3/2020-TA-III/cs-4308/450 dated 23/12/2022 as furnished below;-

*I. **Adjustment of Employees' contribution In Accounts:** Amount may be credited to individual's GPF account and the account may recasted permitting up-to-date interest (Authority-FR-16 & Rule 11 of GPF Rules).*

__II. Adjustment of Government contribution under NPS in Accounts:__ To be accounted for as (-) Dr. to object head 70 - Deduct Recoveries under Major head 2071 - Pension and other retirement benefit - Minor head 911 -Deduct Recoveries of over payment (GAR 35 and Para 3.10 of List of Major and Minor Heads of Accounts).

__III. Adjustment of increased value of subscription on account of appreciation of investments:__ May be accounted for by crediting the amount to Govt. account under M.H. 0071 - Contribution towards Pension and Other Retirements Benefits 800-Other Receipts (Note under the above Head in LMMHA).

Deputy Inspector General
Sector Hqrs, SSB Pilibhit

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3. Learned counsel for petitioner submits that though requisite order has been issued by the respondents, however, the respondents are yet to open a General Provident Fund ("GPF") Account for the petitioner and the amounts in the New Pension Scheme Account have to be transferred to the said GPF Account.

4. It is directed that the needful in terms of the aforesaid office order dated 24th August, 2023 shall be done by the respondents expeditiously.

5. With the aforesaid directions, the present petition is disposed of, as having been satisfied.

MINI PUSHKARNA, J

FEBRUARY 26, 2024/au