

Reserved

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

Original Application No.200/00422/2014

Jabalpur, this Friday, the 20th day of July, 2018

**HON'BLE MR. NAVIN TANDON, ADMINISTRATIVE MEMBER
HON'BLE MR. RAMESH SINGH THAKUR, JUDICIAL MEMBER**

Indramani Pratiksha, Age 29 years, S/o Shri Fateh Bahadur, A-68/3, Pali Project Colony, Birsinghpur, Umaria (M.P.) – 484551.

-Applicant

(Applicant in person)

V e r s u s

1. The Superintendent of Posts, Shahdol Division, Shahdol (M.P.) – 484001.
2. The Post Master (Drawing & Disbursing Officer) Shahdol Head Post Office, Shahdol – 484001.
3. Asstt. Accounts Officer (Pension)/Accounts Officer (Pension), O/o the Director of Accounts (P) 4th, 5th Floor of Dak Bhawan, Hoshangabad Road, Bhopal - 462023 - Respondents

(By Advocate – Shri Manish Chourasia)

(Date of reserving order : 26.03.2018)

ORDER

By Ramesh Singh Thakur, JM.

This Original Application has been filed by the applicant claiming interest accrued to him by virtue of his contributions in his NPS TIER-I account, which has not been credited till date.

2. The applicant has sought for the following reliefs:

“8.1 Direct the respondents to credit in TIER-1 account of the applicant, the interest accrued to him by virtue of his contributions in TIER-I account which has not been credited till date.

8.2 Pass order to the respondents to compensate the applicant for his mental harassment and other losses caused to him by paying Rs.500000/- (Five Lakhs).

8.3 Quash and set aside the warning of the respondents which has been administered to the applicant unreasonably by Shri C.P. Mishra, the then Superintendent of Posts, Shahdol Division vide his letter No.C.2-2/NPS/Suppli/13-14/12 Shahdol dated 29.11.2013.

8.4 Pass any other appropriate writ, order or direction as it may deem just and proper in the circumstances of the case.”

3. The brief facts of the case are that the applicant joined as Postal Assistant and was posted at Amlai Paper Mills, Sub Post Office in Shahdol Division on 18.10.2010. He received a transaction statement for the period from 01.04.2011 to 30.09.2012 on 11.12.2012 of his NPS TIER-I account, reflecting credit of Rs.874/- on 05.12.2011 for the month of September, 2011, whereas, Rs.1542/- was deducted from his salary for the month of September, 2011 for being credited to his TIER-I account. The applicant made a representation dated 15.12.2012 (Annexure A-3) to respondent No.2 requesting for correction of the discrepancy. The respondent No.2 forwarded the same to respondent No.3 vide its letter dated 07.02.2013 (Annexure A-5). The respondent No.3, vide his communication dated 27.02.2013 (Annexure A-6),

informed the respondent No.2 that the contribution amount of Rs.874/- is being deposited in applicant's TIER-I account as per the recovery schedule sent by the respondent No.2 and the matter was further remitted to respondent No.2 to examine the same.

4. It has been submitted that respondent No.2, vide his letter dated 09.03.2013 addressed to respondent No.3, informed that the contribution amount of Rs.1542/- was deducted from the pay of the applicant for the month of September, 2011 and was erroneously recorded as Rs.874/- in recovery schedule, which was the contribution amount of one Shri N.K. Soni, Postal Assistant. Therefore, respondent No.3 was requested to deposit Rs.1542/- for the month of September, 2011 in NPS TIER-I account of the applicant. Finally, on 01.10.2013 (Annexure A-10), the respondent No.2 informed the applicant that adjustment of Rs.668/- for September, 2011 and the contribution of Government thereon, has been credited in his TIER-I account. The claim of the applicant is that though the respondents have credited the adjustment of Rs.668/- in his TIER-I account, however, no interest, which has been earned by Shri N.K. Soni on the contributory amount of the applicant, has not been paid till date. In this regard, he has placed reliance on Government of India, Ministry of Finance decision

dated 30.09.2005 regarding method of calculation of interest on NPS accumulations.

5. The respondents have filed their reply. It has been submitted that the short credit amount of Rs.874/- from Tier-I account of the applicant relates for the month of October, 2011 and not September, 2011, as submitted by the applicant. After receiving the applicant's grievance, the matter was examined and it was found that due to clerical error, one incorrect entry was made in recovery schedule for the month of October, 2011. Accordingly, a revised schedule was prepared and sent for settlement of applicant's claim.

6. It has been further submitted by the respondents that there is no such instructions/rules, which entitles the applicant for payment of interest on short credit of subscription, which has been subsequently corrected and credited in applicant's Tier-I account.

7. The applicant, in his rejoinder, has filed the guidelines issued by the Government of India, Ministry of Finance dated 30.09.2005 regarding method of calculation of interest on NPS accumulations. It has been submitted that as per the said guidelines, the applicant is entitled for the interest at the rate of 8% per annum on the difference of amount w.e.f. October, 2011 to February, 2013.

8. We have heard the learned counsel for the parties and gone through the pleadings and documents available on record.

9. It is not in dispute that an amount of Rs.1542/- was deducted from the salary of the applicant for the month of October, 2011, for being credited in his NPS account. As against this, Rs.874/- was credited in his NPS Tier-I account, which was meant to be credited in one Shri S.K. Soni's pension account. Subsequently, when it came to the notice of the respondent department, the same was rectified and it has been credited in applicant's pension account. The claim of the applicant is that since the respondents have credited the amount of Rs.1542/- in the pension account of one Shri N.K. Soni, therefore, he is entitled for the interest earned by Shri N.K. Soni w.e.f October, 2011 till February, 2013.

10. Though the respondents, in their reply, have submitted that there is no rule/provision, which provides for interest to be paid in NPS Tier-I account, however, the applicant, along with his rejoinder, has filed the guidelines issued by the Government of India, Ministry of Finance dated 30.09.2005, which reads as under:

“Clarification regarding method of calculation of interest on NPS accumulations.- I am directed to refer to your D.O. Letter No.1(7(2)/2005/Main File/TA/652, dated 18-8-2005, on the above mentioned subject and to say that the

Department of Expenditure (EV Division), has drawn attention to the notification, dated 21-4-2005 issued by the Budget Division (copy enclosed) (not printed) wherein it was stated that accumulations at the credit of subscribers to the New Pension System shall carry interest @ 8% p.a. The Department of Expenditure has stated that the idea clearly was to maintain parity with interest @ 8% p.a. on the GPF accumulations under the GPF-cum-pension system. They have advised that GPF Rules stipulate calculation of interest on subscriptions on monthly basis and as such the same may need to be adopted to accumulations under NPS.”

11. Since the aforesaid guidelines provide for calculation of interest on NPS subscriptions on monthly basis, therefore, we dispose of this Original Application with a direction to the respondents to pay the difference of interest by calculating the interest earned on the actual amount of Rs.1542/- for the month of October, 2011 till it was credited in Tier-I account of the applicant in February, 2013. This exercise should be completed within a period of 60 days from the date of receipt of a copy of this order. No costs.

(Ramesh Singh Thakur)
Judicial Member

am/-

(Navin Tandon)
Administrative Member