IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR
WP No. 2935 of 2022

(SMT. SHAHNA KHAN** Vs **THE STATE OF MADHYA PRADESH AND OTHERS)

WP/2943/2022, WP/2746/2025

Dated : 25-08-2025

Shri Ajeet Kumar Singh - Advocate for the petitioners.

Shri Samdarshi Tiwari- Senior Advocate With Shri Palash Upadhyay - Advocate for respondents No. 2 to 4.

Shri Suyash Thakur - Govt. Advocate for the respondents / State.

The present petitions have been filed in the matter of pension.

2. The petitioners have been regularized in service after 01.01.2005 therefore they have not received pension under the old pension system. The respondents contended that the petitioners are entitled to pension under the National Pension System (NPS).

3. On 22.07.2025 noting the rival contentions, this Court directed the respondents to place on record that what action they have taken for coverage of petitioners under the NPS.

4. Today, an affidavit has been filed in WP No.2943/2022 placing on record the position that the petitioners were made members of Contributory Provident Fund and account number of petitioner in this petition was 20 and he has been paid an amount of Rs.14.70 lakhs towards CPF dues. The learned senior counsel for the respondents has vehemently argued that the petitioners were made members of NPS. However, the said contention is utterly misconceived and false for the simple reason that the amount of Provident Fund deducted from the petitioners and contributed by

the respondents was there with the M.P. State Agricultural Marketing Board itself which is evident by the letter (Annexure A-2) dated 22.08.2025.

5. It is clear that the respondents retained the amount of provident fund themselves and after giving some interest have refunded the amount to the petitioners with employee and employer contribution.

6. The said system adopted by the respondents is not only illegal but it is also a case of respondents placing false facts in their original reply before this Court. New Pension Scheme was initially set up by circular dated 22.12.2003 by Ministry of Finance. Thereafter, the Government of India enacted the Act known as Pension Fund Regulatory and Development Authority Act under which the authority has been set up in the country which is headquartered at New Delhi.

7. It is clear that the respondents have neither remitted the contribution to PFRDA constituted under the Act of 2013 nor it is clear that whether petitioners have been given same returns as have been given by the PFRDA on the deposits made before the said authority. Even it is not clear whether the respondents have contributed the same proportion of contribution as is required to be paid by employer under the NPS administered by PFRDA. It is clear that the respondents have acted with patent illegality in denying the benefits NPS to the petitioners and have retained the CPF amount with themselves and giving some arbitrary interest, refunded the amount to the petitioner after retirement.

8. At this distance of time, the petitioners cannot be made members of NPS as they have already retired. Now only remedial steps can be taken.

This Court deems it fit that some independent authority shall look into the matter that whether the respondents have contributed the same amount which was required to be contributed by them under the NPS and whether they have given the same return on the deposits retained by them which were given on NPS deposits by the PFRDA from time to time. Therefore, this Court directs the Director Pension and Provident Fund, Govt. of M.P. to scrutinize the record of respondent-Board in the matter of these petitioners and submit a report before this Court that whether if the petitioners had been made members of NPS at the relevant point of time itself then whether the respondents have remitted the correct amount of employer contribution. The Director shall also decide whether the respondents have been given the same amount of return on money which has been given by PFRDA on NPS deposits from time to time.

9. Let the petitioners produce this order before the Director, Pension and Provident Fund within 15 days from today. The said Director shall call for the requisite record from the respondents to submit his report within 30 days thereafter.

10. Let the report be submitted before this Court on 07.10.2025. Failing submission of report, an officer under Director, not below the rank of Joint Director shall remain personally present before this Court.

11. Learned counsel for the State shall intimate the order to the Director, Pension and Provident Fund.

12. List on 07.10.2025 under the same head.

(VIVEK JAIN)
JUDGE

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