

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BENGALURU**

ORIGINAL APPLICATION NO.170/00989/2019

DATED THIS THE 12TH DAY OF FEBRUARY, 2020

**HON'BLE DR.K.B.SURESH
HON'BLE SHRI C.V.SANKAR**

**...MEMBER(J)
...MEMBER(A)**

Smt Anu Thomas,
Principal (Retired)
No.939, 3rd Cross, H.R.B.R 1st Block,
Kalyan Nagar,
Bangalore-560 043.

...Applicant

(By Advocate Shri Aniyam Joseph)

Vs.

1. Union of India,
Represented by the Secretary to the Government,
Ministry of Human Resources Development,
Government of India,
Shastri Bhavan,
New Delhi-110 001.

2. The Commissioner,
Kendriya Vidyalaya Sangathan,
No-18, Institutional Area,
Shaheedjeet Singh Marg,
New Delhi-110016.

3. Pay & Accounts Officer,
Civil Lines,
New Delhi-110 054.

4. Department of Expenditure
Government of India,
New Delhi-110 001.

...Respondents

(By Standing Counsel Shri V.N. Holla for R1 & 3 and
Shri Vishnu Bhat for Respondents-2)

ORDER (ORAL)**HON'BLE DR.K.B.SURESH ...MEMBER(J)**

Heard. The matter relates to employees wanting to return to the fold of GPF, even though they had given the option to EPF at an earlier stage. We had heard all the counsels in great detail. We are of the opinion that even though it may have some extra economical issues for the respondents, the choice of the employees need not be restricted and at least to re-opt must be given to them. Because, otherwise their life and livelihood will be diminished greatly. One mistake everybody must be allowed to do. But then they must also be made to bear the brunt of it and not put it on the shoulders of the respondents alone. Therefore, after having discussed with all the counsels, we pass the following order:

1.Applicant will be allowed to cross over to GPF if she makes a clear cut application along with an undertaking to bear the brunt of administrative efforts newly needed on her behalf.

2.After discussing with the learned counsels, we have decided that we will follow the decision of the Hon'ble High Court of Karnataka in the matter of rate of interest for the money she has received into her account in EPF from the Government. She will have to pay an interest calculated from time to time at the rate of 15% as fixed by Hon'ble High Court of Karnataka.

3.Let the applicant pay the administrative charges at Rs.50,000/- to the Government. She will be allowed to do so within the next one month, that is give a fresh option, give an undertaking and also pay Rs. 50,000/- to the Government's exchequer, which ever heads of accounts they decide.

4. One month next, she will change over to GPF fold.

OA allowed as above. No costs.

(C.V.SANKAR)
MEMBER(A)

(DR.K.B.SURESH)
MEMBER(J)

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Annexures referred in O.A. No. 170/0989/2019

Annexure-A1: Copy of relevant pages of applicant's Service Book.

Annexure-A2: Copy of Appointment Order dated 08.09.1982.

Annexure-A3: Copy of Appointment Order dated 19.05.2000 as Principal.

Annexure-A4: Copy of Circular dated 19.09.2007.

Annexure-A5: Copy of Order dated 01.05.1987 for implementing GPF for recruits appointed between 01.01.1986 and 31.12.2003.

Annexure-A6: Copy of letter dated 08.12.2016 issued by M/o HRD.

Annexure-A7: Copy of Order dated 22.03.2012 passed by Ernakulam Bench.

Annexure-A8: Copy of Judgment dated 13.08.2013 passed by High Court of Kerala in OP (CAT) No.597/2013.

Annexure-A9: Copy of Order passed by CAT, New Delhi in OA.No.1027/2014.

Annexure-A10: Copy of Order passed by CAT, New Delhi in OA.No.2073/2014.

Annexure-A11: Copy of Order passed by CAT, New Delhi in OA.No.3084/2015.

Annexure-A12: Copy of list of applicants applied to 2nd respondent for change over to GPF dated 04.06.2018.

Annexure-A13: Copy of letter dated 07.07.2017.

Annexure-A14: Copy of letter dated 21.07.2017.

Annexure-A15: Copy of representation dated 07.04.2019.

Annexure-A16: Copy of order issued by 2nd respondent to the applicant dated 02.05.2019.
