

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK,**

ORDER SHEET

COURT NO. : 1

20/02/2020

O.A./260/81/2020

M.A./260/133/2020

SUMITA SARKAR & ANOTHER

-V/S-

CENTRAL GROUND WATER BOARD

ITEM NO:19

FOR APPLICANTS(S) Adv. :

Mr. S. B. Jena

FOR RESPONDENTS(S) Adv.:

Notes of The Registry	Order of The Tribunal
	<p>Heard learned counsel for the applicant and respondents. MA No. 133/2020 is allowed permitting the applicant's to jointly pursue the matter. Applicant's case is that although the applicant's have been selected in pursuance to advertisement issued prior to 01.01.2004, but the appointment order was issued after 01.01.2004, for which the applicant's are entitled to be covered under old pension scheme as per the decision of Hon'ble Delhi High Court which has been upheld by Hon'ble Apex Court. Relevant copies of the judgments have been enclosed in the OA. The respondents have rejected the case of the applicant vide order dated 28.09.2018 (Annexure A/10) stating that those orders will be applicable to petitioners/parties of that case. Applicant's counsel further submitted that Govt of India has taken a decision vide DOP&PW OM dated 17.02.2020, copy of which has been filed by Learned counsel in which the employees who are similarly placed as the applicant's have been given an option to switch over to old pension scheme within a stipulated date. Copy of the OM submitted by him is taken on record.</p> <p>In view of the submission that a decision has been taken by Govt of India, the applicant will be at liberty to take appropriate action in terms of the said OM and the respondents will take a decision in the matter in pursuance to the OM if it is applicable to applicants. Learned counsel for the respondents submitted that he will obtain instructions in the matter.</p> <p>With this direction the OA stands disposed of with a liberty to the applicants to move this Tribunal for</p>

reviving this OA if they are still aggrieved after the decision is taken by the respondents as per the OM dated 17.02.2020. It is made clear that no opinion has been expressed by us while passing this order.

Copy of this order to learned counsel of both the sides.

(SWARUP KUMAR MISHRA)
MEMBER (J)

(GOKUL CHANDRA PATI)
MEMBER (A)

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