



**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A. No. 992/2019

This the 27th day of February, 2020

Hon'ble Mr. R.N. Singh, Member (J)

1. Manoj Kumar Bajpai,
Group 'A'
Dy. Director of Airworthiness
Aged about 50 years,
S/o Shri Bhoop Narayan Bajpai,
R/o A 64(SF) Ashoka enclave part-II,
Sector 37 Faridabad 121003 Haryana
(Posted at O/o CEO DGCA Hq New Delhi)

2. R.K. Anand,
Group 'A'
Dy. Director of Airworthiness
Aged about 44 years
S/o Dr. K.S. Anand,
R/o Bhopal (MP)
(Posted at O/o DDAW Bhopal under DDG WR
Mumbai)

3. S.V.R. Vadapalli,
Group 'A'
Dy. Director of Airworthiness
Aged about 57 years
S/o ShriSatyanarayanaMurty,
R/o Hyderabad
(Posted at O/o DDAW Hyderabad under DDG SR
Chennai)

4. B.K.S. Rathore,
Group 'A'
Dy. Director of Airworthiness
Aged about 57 years
S/o ShriSatya Pal Singh Rathore,
R/o Dwarka New Delhi
(Posted at O/o CEO DGCA Hq New Delhi)



5. Shanker Lal, Dy. Director of Airworthiness
Group 'A'
Aged about 54 years
S/o late Ranjit Lal,
R/o Laxmi bai nagar New Delhi
(Posted at O/o DDG NR New Delhi)
6. M. Devula
Group 'A'
Dy. Director of Airworthiness
Aged about 43 years
S/o Mudavathbhekya,
R/o.Tellaralla pally thanda
(Posted at O/o DGCAHQ New Delhi)
7. L.N. Bussa,
Group 'A'
Dy. Director of Airworthiness
Aged about 57 years,
S/o Ramulu Bussa,
R/o.DGCA Qtrs Mumbai
(Posted at O/o DDG WR Mumbai)

...Applicants

(By Advocate: Ms. Ankita Patnaik)

VERSUS

1. Union of India,
Through Secretary,
Ministry of Civil Aviation,
Rajiv Gandhi Bhawan,
New Delhi-110003.
2. Union of India
Through Secretary
Ministry of Personnel, Public Grievances &
Pensions,
Department of Personnel & Training,
North Block, New Delhi-110001.
3. Director General of Civil Aviation,
Technical Centre,



Opposite Safdarjung Airport,
New Delhi-110003.

4. Union Public Service Commission,
UPSC Bhawan
Shah Jahan road
New Delhi-110069

...Respondents

(By Advocate: Sh. R.K. Sharma)

ORDER (Oral)

Hon'ble Mr. R.N. Singh, Member (J):

Present: Ms. Ankita Patnaik, learned counsel for the applicants and Sh. R.K. Sharma, learned counsel for the respondents. Heard the learned counsels for the parties.

2. The present OA has been filed by the applicants u/s 19 of the Administrative Tribunal Act, 1985. It is contended on behalf of the applicants that they have participated in the selection process for the post of Airworthiness Officer in pursuance of the Advertisement No. 14/1999 and they were declared successful in the results published in the Employment News dated 10-16th January, 2001, however, the offer of appointment could be issued by the respondents on 22.10.2003. The applicants joined the services of the respondents in 2004 only. The delay in joining is attributable to the respondents and not the applicants. However,



respondents in place of regulating the services of the applicants under old pension scheme, have considered and regulated the services of the applicants under New Pension Scheme in the aforesaid background. It is also contended that the applicants have been discriminated with their batchmates.

2. The applicants have prayed for the following reliefs:-

“A. Quash the speaking order dated 14.08.2018 issued by respondents whereby the Applicants request of extending the benefit of the Old Pension Scheme has been rejected.

B. Direct the Respondents to extend the benefits of the Old Pension Scheme to the Applicants and fixing his pay at par with their batchmates.

C. To grant litigation expenses to the Applicants

D. Pass any other appropriate order or relief which this Hon’ble Tribunal deems fit and proper.”

3. In response to notice from this Tribunal, respondents have filed their reply disputing and denying the claim of the applicants. The applicants have filed their rejoinder and reiterated the claim as made in the present OA.

4. When the matter was taken up for final hearing today, learned counsels for the parties submit that during the pendency of the OA, respondents have taken a policy decision on the subject “Coverage under Central Civil Services (Pension) Rules, 1972, in place of National



Pension System, of those Central Government employees whose selection for appointment was finalized before 01.01.2004 but who joined Government service on or after 01.01.2004” vide OM No. 57/04/2019-P&PW(B) dated 17.02.2020. A copy of the OM dated 17.02.2020 has been placed on record by the learned counsel for the applicants.

5. Learned counsel for the respondents has very fairly submitted that the applicants can raise their claim which is raised in the OA afresh before the respondents in view of para 4 of the aforesaid OM dated 17.02.2020.

The para 4 of the aforesaid OM, reads as under:-

*“4. The matter has been examined in consultation with the Department of Personnel & Training, Department of Expenditure and Department of Legal Affairs in the light of the various representations/references and decisions of the Courts in this regard. It has been decided that in all cases where the results for recruitment were declared before 01.01.2004 against vacancies occurring on or before 31.12.2003, the candidates declared successful for recruitment shall be eligible for coverage under the CCS (Pension) Rules, 1972. Accordingly, such Government servants who were declared successful for recruitment in the results declared on or before 31.12.2003 against vacancies occurring before 01.01.2004 and are covered under the National Pension System on joining service on or after 01.01.2004, may be given a **one-time option** to be covered under the CCS (Pension) Rules, 1972. This option may be exercised by the concerned Government servants **latest by 31.05.2020**.”*

6. In view of the aforesaid, the OA is disposed of with liberty to the applicants to raise their claim before the Competent Authority in consonance with the



provisions of the aforesaid OM dated 17.02.2020. In case such claim is made by the applicants before the Competent Authority under the respondents, the respondents are directed to consider the same keeping in view the provisions of their OM dated 17.02.2020 and pass appropriate order(s). It is further directed that in case, the applicants are found fit to be regulated in accordance with provisions of the old pension scheme, the respondents shall also consider the claim of the applicants with regard to the parity of pay with their batchmates keeping in view the relevant rules and instruction on the subject and dispose of the same by passing a reasoned and speaking order.

7. OA stands disposed of in the aforesaid terms. No order as to costs.

(R.N. Singh)
Member (J)

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