



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

O.A. No. 2333/2019

with

M.A. No. 1246/2020

This the 7th day of September, 2020

(Through Video Conferencing)

Hon'ble Mr. R.N. Singh, Member (J)
Hon'ble Ms. Aradhana Johri, Member (A)

Rishi Prakash, aged 58 years,
S/o Shri Birkh Bhan,
Working as Sr. Assistant (DASS-III)
Govt. of NCT of Delhi,
R/o H.No.504, Sector 23, Sonipat (Har.)

...Applicant

(By Advocate: Sh. Yogesh Sharma)

VERSUS

1. Govt. of NCT of Delhi,
Through the Chief Secretary,
Delhi Secretariat, Near ITO,
New Delhi
2. The Secretary,
Service Department,
Govt. of NCT of Delhi,
7th Floor, Delhi Secretariat,
Near ITO, New Delhi
3. The Secretary,
Department of Social Welfare,
Govt. of NCT of Delhi,
GLNS Complex, Delhi Gate,
New Delhi

...Respondents

(By Advocates: Sh. Anuj Kumar Sharma, for
Respondent No. 3; Ms.Esha Mazumdar, for
respondents 1 and 2)

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

The present MA has been filed by the applicant, praying therein for the following reliefs:-

“(i) That the Hon'ble Tribunal may graciously be pleased to pass an order of disposal of the main OA of the applicant through video conference by directing the respondents to finalize the case of the applicant as per Govt. of India OM dt. 17.2.2020 at an early date with all the consequential benefits.

(ii) Any other relief which the Hon'ble Tribunal deem fit and proper may also be granted to the applicant.”

2. Learned counsel for the applicant submits that the applicant has filed the aforesaid OA against the action of the respondents vide which the respondents have not finalized the case of the applicant for placing him under old pension scheme at par with similarly situated persons, including juniors of the applicant appointed from the same selection process and on the basis of the same select list, who were treated differently than the present applicant.

3. Mr. Yogesh Sharma, learned counsel for the applicant, further informs that during pendency of the OA, the Government of India have taken a policy decision on the subject “Coverage under Central Civil Services (Pension) Rules, 1972, in place of National Pension Scheme 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 Office Memorandum dated 17.02.2020 (Annexure M-1) and if the claim of the applicant is considered by the competent authority under the respondent, keeping in view the aforesaid OM dated 17.02.2020, the grievance of the applicant will be redressed. He further adds that the applicant has already submitted his option on 01.06.2020 vide Annexure M-2 through proper channel.

4. In view of the aforesaid facts and circumstances, with the consent of the parties, the present OA is disposed of with direction to the competent authority under the respondents to consider the claim of the applicant raised in the OA, keeping in view his aforesaid option and the provisions of the aforesaid OM dated 17.02.2020 (Annexure M-1 to the MA) as expeditiously as possible and in any case within 10 weeks of receipt of copy of this order.

5. In view of the aforesaid, MA and OA both are disposed of in the aforesaid terms. No order as to costs.

(Aradhana Johri)
Member (A)

(R.N. Singh)
Member (J)

/lg/mbt/akshaya/pinky19/10/