

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**



**OA No. 270/2021
MA No.325/2021**

New Delhi this the 8th February, 2021

Hon'ble Sh. Pradeep Kumar, Member (A)

1. Ashok Kumar Chaurasia, A.A.O., Gr. 'B'
S/o late Sudama Bhagat Chaurasia, Aged about 44 yrs;
Email: ak9357985047@gmail.com; (M) 9357985047
R/o: House No. 17M, Gali No. 34, Vipin Garden Extn.
Near: Dwarka More, Uttam Nagar, Delhi- 110059
Working as Assistant Accounts Officer in
Central Pension Accounting Office, Trikoot-II,
Bhikaji Cama Place, New Delhi- 110066
2. Bimal Kant, A.A.O, Gr. 'B'
S/o Sh. Jatashankar Jha, Aged about 42 years
Email: mohandeep1960@gmail.com ; (M) 9971282437
R/o: House No. 133, DDA Flat, South Enclave,
New Delhi- 110028
Working as Assistant Accounts Officer in
O/o the Executive Engineer, H-Division, CPWD,
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3. Girish Goel, A.A.O. Gr.'B',
S/o Shri Ramashish Sah, Aged about 42 years,
Email: girishgakk@gmail.com; (M) 08003095535
R/o H. No. C1/C2, Gali No. 34, Vipin Garden Extn.,
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Working as Assistant Accounts Officer in
O/o the Controller General of Accounts (CGA)
Dept. Of Expenditure, M/o Finance, GPO Complex, Block E
Mahalekha Niyantak Bhawan, INA, New Delhi- 110023
4. Saugat Barma, A.A.O., Gr. 'B'
S/o Late Chandra Kishore, Aged about 42 years,
R/o : Shaktigarh, Birati, Kolkata- 700051.
Working as Assistant Accounts Officer in
O/o the Regional Pay & Accounts Office, Textiles,
1, Council House Street, Kolkata- 700001
5. Narendra Kumar Singh, A.A.O., Gr. 'B'
S/o Shri Mritunjay Singh, Aged about 43 years,
R/o: H. No. 58, Type-III, Kendranchal Colony,
Lamhi, Varanasi- 221007



Working as Assistant Accounts Officer in
O/o the Executive Engineer, BHU Project Division-II
CPWD, Banaras Hindu University, Varanasi – 221005

6. Manoj Kumar, A.A.O., Gr. 'B'
S/o Shri Suresh Chandra Singh, Aged about 43 years,
R/o: H. No. 43, Sector D, Aliganj, Lucknow-226024
Working as Assistant Accounts Officer in
O/o the Zonal Accounts Officer, CBDT,
18, MMMG Marg, Lucknow- 2206209

7. Mahesh T. Sonkusare, A.A.O., Gr 'B',
S/o Shri Thakurdas Sonkusare, Aged about 47 years,
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Working as Assistant Accounts Officer in
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8. Sudipta Das, A.A.O., Gr 'B'
S/o Late Ranjit Kumar Das, Aged about 44 years,
Email: sudiptadas05@yahoo.com; (M) 9572792577
Working as Assistant Accounts Officer in
O/o the Executive Engineer (E), Nirman Bhawan
CPWD Building, BFEDN.-1
CPWD, Matigara, Siliguri- 734010
(By Advocate: Sh. D. P. Sharma) ...Applicants

vs.

Union of India through,

1. The Secretary,
Department of Expenditure,
Ministry of Finance, North Block, New Delhi- 110001
2. The Secretary
Department of Pension of Pensioners Welfare,
Ministry of PPG & Pension
Lok Nayak Bhawan, Khan Market, New Delhi- 110001
3. The Controller General of Accounts
Department of Expenditure, M/o Finance,
MahalekhaNiyantak Bhawan, GPO Complex,
Block E, Aviation Colony, INA Colony,
New Delhi

...Respondents

(By Advocate: Dr. Ch. Shamshuddin Khan)



ORDER (ORAL)

1.0 The applicants herein had responded against the vacancy Notification issued in the year 2003. They appeared in the Combined Preliminary (Graduate Level) Examination of 2003 which was held in May 2003 and thereafter in the main examination held in September, 2003. The result was declared on 01.04.2004 and the offers of appointment were issued in the period May to September, 2004 to various applicants. Subsequently, medical examination and Police Verification were undertaken. Thereafter, they joined the department.

2.0 Meanwhile, a New Pension Scheme (NPS) was introduced for all those who were joining after 01.01.2004. The applicants plead that the vacancies against which they were recruited pertain to period prior to 1.1.2004, when Old Pension Scheme was applicable, and they need to be covered under Old Pension Scheme, as they are not responsible for any delays.

3.0 Further, in many such cases, the similarly placed employees, had approached the judicial forum and pleaded that they need to be covered under Old Pension Scheme. Their pleas were considered and allowed by the judicial forum. In this regard, reliance was placed on the judgment Dt. 13.1.2020 by Hon'ble



High Court of Delhi in W.P (C) No. 323/2020 in the matter of **Ashok Kumar Sheoran vs. Union of India.** Several other judgments were also relied upon.

4.0 The applicants also plead that in the wake of these judicial pronouncements, the Department of Pension and Pensioners Welfare have issued an OM dated 17.02.2020 specifying therein certain situations when Old Pension Scheme is to be made applicable. It is however pleaded that this OM does not correctly define as to when a selection is to be treated as Final. They plead for certain correction in this OM.

5.0 Seeking the benefit of Old Pension Scheme, since the vacancies were for the year 2003, the applicants have made several representations dated 28.01.2020, 30.01.2020 and 07.02.2020. However, there has been no response. The applicants have also assailed certain paragraphs of the OM issued by the Department of Pension and Pensioners Welfare dated 17.02.2020. Seeking relief, the instant OA has been preferred.

6.0 Issue notice. Learned counsel Sh. Shamsuddin Khan, who appears on behalf of respondents, accepts notice.

7.0 At this stage, learned counsel for the applicant further pleads that they shall be satisfied if some directions can be issued to the respondents to decide their pending representations, duly



keeping in view the judicial pronouncements as have been averred in their representations by passing a reasoned and speaking order in a time bound manner.

8.0 Matter has been considered. The Tribunal is of the view that no prejudice is likely to be caused to the respondents, if such a request of the applicants is agreed to.

9.0 In view of foregoing, the present OA is disposed off at the admission stage itself, without going into the merits of the case, with a direction to the respondents to pass a reasoned and speaking order on the pending representations of the applicants, duly keeping into account the extant policy directives and the judgments by the judicial fora mentioned in their representations, within a period of twelve weeks, under advice to the applicants. The applicant shall have liberty to approach the Tribunal, if some grievance still subsists.

10.0 Pending MA No.325/2021 filed for joining together also stands disposed off.

No costs.

(Pradeep Kumar)
Member (A)
Sunita/Sarita/pinky/