

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

ORIGINAL APPLICATION NO.060/211/2021

DATED THIS THE 01ST DAY OF MARCH, 2021

CORAM:

HON'BLE SHRI SURESH KUMAR MONGA, MEMBER (J)

(On video conference from Central Administrative Tribunal, Bangalore Bench, Bangalore)

HON'BLE SHRI RAKESH KUMAR GUPTA, MEMBER (A)

(On video conference from Central Administrative Tribunal, Bangalore Bench, Bangalore)

PGI Employees Union (Non Faculty)

(Regd. & Recognised), Through Ashwani Kumar Munjal,

Its President, Aged about 58 years (Group B)

6034-C, 6th Floor Research Block B,

Post Graduate Institute of Medical Education and Research,
Sector 12, Chandigarh 160 012.

2. P.G.I. Medical Technologists Association,

(Regd. & Recognised), through Ashwani Kumar Munjal,

Its General Secretary, Aged about 58 years (Group B)

6034-B, 6th Floor, Research Block B,

Post Graduate Institute of Medical Education and Research,
Sector 12, Chandigarh 160 012.

3. P.G.I. Nursing Welfare Association,

(Regd.) Through Satyaveer Singh Dagur,

Its General Secretary, Aged about 37 years (Group B)

Room No. 3, Nivedita Hostel,

Post Graduate Institute of Medical Education and Research,
Sector 12, Chandigarh 160 012.

4. Beant

Aged about 31 years

(Group C),

S/o Sh. Ram Krishan,

Technician Gr. IV (Electrical),
(Date of Joining 18.06.2013),
Department of Engineering and Planning,
Post Graduate Institute of Medical Education and Research,
Sector 12, Chandigarh 160 012.

5. Ravinder Kumar Jaiswal,
Aged about 32 years (Group B)
S/o Sh. Sita Ram Jaiswal,
Junior Technician (Laboratory)
(Date of Joining 25th May 2010),
Department of Experimental Medicine and Biotechnology,
Post Graduate Institute of Medical Education and Research,
Sector 12, Chandigarh 160 012.

6. Gaurav Sharma,
Aged about 24 years (Group C),
S/o Sh. Shiv Kumar Sharma,
Security Guard Grade II
(Date of Joining 12.05.2016),
Security Division,
Post Graduate Institute of Medical Education and Research,
Sector 12, Chandigarh 160 012.

7. Dinesh Kumar,
Age about 42 years (Group B)
S/o Sh. Bindeshwari Prasad,
Senior Technician (X-Rays),
Department of Radiodiagnosis and Imaging,
Post Graduate Institute of Medical Education and Research,
Sector 12, Chandigarh.

....Applicants

(By Advocate Shri Karan Singla – through video conference)

Vs.

1. Post Graduate Institute of Medical Education and Research,
Sector 12, Chandigarh 160 012,
Through its Director

2. The Governing Body of
Post Graduate Institute of Medical Education and Research,
Sector 12, Chandigarh 160 012.

Through its Chairman cum Appointing &
Cadre Controlling Authority (Group A Non Faculty Staff)

3. The Secretary to Government of India,
Ministry of Health and Family Welfare (Nodal Ministry),
Nirman Bhawan, New Delhi 110 011

4. The Secretary to Government of India,
Department of Expenditure,
Ministry of Finance, North Block,
New Delhi 110 001

5. Pension Fund Regulatory and Development Authority
B-14/A, Chhatrapati Shivaji Bhawan,
Qutub Institutional Area, Katwaria Sarai,
New Delhi 110 016 Through its Chairman

6. The Financial Adviser,
Post Graduate Institute of Medical Education and Research,
Sector 12, Chandigarh 160 012.Respondents

O R D E R (ORAL)

PER: SURESH KUMAR MONGA, MEMBER (J)

The present Original Application has been filed by the applicants under Section 19 of the Administrative Tribunals Act, 1985 seeking therein the following relief:

- i) That the record of the case may kindly be called for perusal of this Hon'ble Tribunal.*
- ii) That the respondent may be directed to restore/grant enhanced employer share of provident fund of 14% of Basic Pay plus Dearness Allowance under New Pension Scheme w.e.f. 1.4.2019, in terms of Notification dated 31st January, 2019 read with Notification dated 22.12.2003 of New Pension Scheme.*
- iii) That the respondents may be directed to release arrears of enhanced employer share of provident fund of 14% of Basic Pay plus Dearness Allowance under New Pension Scheme w.e.f. 1.4.2019 with penal interest of 12%.*

2. At the very outset, Shri Karan Singla, learned counsel for the applicants, submitted that before filing the present Original Application the PGI Employees' Union (Non Faculty), Chandigarh (Applicant No. 1 herein) had submitted a representation on which no decision has been taken by the respondents upto now. Learned counsel further submitted that the applicants will be satisfied if a direction is issued to the respondents to decide their pending representation dated 17.01.2020 (Annexure-A13).

3. Keeping in view the aforesaid limited prayer made by learned counsel for the applicants, we deem it appropriate to dispose of the present Original Application at the admission stage itself without entering into the merits of the case.

4. Accordingly, the Original Application is disposed of with a direction to Director, Post Graduate Institute of Medical Education and Research, Chandigarh to decide the applicants' pending representation dated 17.01.2020 and pass a reasoned and speaking order in accordance with law. Before taking such a decision, the Secretary of PGI Employees' Union (Non Faculty), Chandigarh shall also be afforded an opportunity of hearing. The whole exercise shall be undertaken within a period of two months from the date of receipt of a certified copy of this order.

5. Ordered accordingly.
6. There shall be no orders so as to costs.

(RAKESH KUMAR GUPTA)
MEMBER (A)

(SURESH KUMAR MONGA)
MEMBER (J)

/ksk/