

**Central Administrative Tribunal  
Madras Bench**

**OA/310/01248/2019, OA/310/00702/2019, OA/310/01076/2019,  
OA/310/01139/2019, OA/310/01140/2019, OA/310/01249/2019,  
OA/310/01384/2019, OA/310/1141/2019, OA/310/01668/2019 &  
OA/310/00001/2020**

**Dated the 3<sup>rd</sup> day of June Two Thousand Twenty**

**P R E S E N T**

**Hon'ble Mr. P.Madhavan, Member(J)  
&  
Hon'ble Mr.T.Jacob, Member(A)**

**OA 1248/2019:**

Smt. Usha Rajagopalan,  
PGT (Hindi)-Retd:Emp.Code-4426,  
A-21, AWHO Flats,  
Parameshwar Vihar,  
67, Arcot Road, Saligramam,  
Chennai 600 093. .. Applicant  
By Advocate **M/s.R.Arumugam**

**Vs.**

1. Commissioner,  
Kendriya Vidyalaya Sangathan,  
Head Quarters, 18 Institutional Area,  
Shahid Jeetsingh Marg,  
New Delhi 110 016.
2. Deputy Commissioner,  
Kendriya Vidyalaya Sangathan,  
Chennai Region, IIT Campus,  
Chennai 600 036. .. Respondents

By Advocate **M/s. M.Vaidhiyanathan**

**OA 702/2019:**

R.Radhakrishnan,  
Assistant Commissioner (Retd):Emp.Code-20564,  
Plot No.143, 4<sup>th</sup> Main Road,

Radha Nagar, Perumbakkam,  
Chennai 600 100. .. Applicant  
By Advocate **M/s.R.Arumugam**

**Vs.**

1. Commissioner,  
Kendriya Vidyalaya Sangathan,  
Head Quarters, 18 Institutional Area,  
Shahid Jeetsingh Marg,  
New Delhi 110 016.
2. Deputy Commissioner,  
Kendriya Vidyalaya Sangathan,  
Hyderabad Region, Picket,  
Secunderabad 500 009.
3. Deputy Commissioner,  
Kendriya Vidyalaya Sangathan,  
Chennai Region, IIT Campus,  
Chennai 600 036. .. respondents.

By Advocate **M/s. M.Vaidhiyanathan**

**OA 1076/2019:**

Smt. Shama Nawaz,  
Headmistress (retd.):Emp.Code:20578,  
No.D4B, Thiruvalluvar Street Ext.,  
Paduvanchery,  
Chennai 600 126. ..Applicant

By Advocate **M/s.R.Arumugam**

**Vs.**

1. Commissioner,  
Kendriya Vidyalaya Sangathan,  
Head Quarters, 18 Institutional Area,  
Shahid Jeetsingh Marg,  
New Delhi 110 016.
2. Deputy Commissioner,  
Kendriya Vidyalaya Sangathan,  
Chennai Region, IIT Campus,  
Chennai 600 036. ..Respondents

By Advocate **M/s. M.Vaidhiyanathan**

**OA 1139/2019:**

G.Rudraiah,  
 PGT (Maths) (Rtd.):Emp.Code:10236,  
 No.11/9, 26<sup>th</sup> Street,  
 Astalakshmi Nagar,  
 Chennai 600 116. ..Applicant  
 By Advocate **M/s.R.Arumugam**

**Vs.**

1. Commissioner,  
 Kendriya Vidyalaya Sangathan,  
 Head Quarters, 18 Institutional Area,  
 Shahid Jeetsingh Marg,  
 New Delhi 110 016.
2. Deputy Commissioner,  
 Kendriya Vidyalaya Sangathan,  
 Hyderabad Region, Picket,  
 Secunderabad 500 009.
3. Deputy Commissioner,  
 Kendriya Vidyalaya Sangathan,  
 Chennai Region, IIT Campus,  
 Chennai 600 036.

By Advocate **M/s. M.Vaidhiyanathan**

**OA 1140/2019:**

Dr.G.Ramamoorthy,  
 TGT (Science) (Rtd.):Emp.Code:E-252,  
 12<sup>th</sup>, 4<sup>th</sup> Cross Road,  
 Periyar Nagar, Chennai 600 082. ..Applicant  
 By Advocate **M/s.R.Arumugam**

**Vs.**

1. Commissioner,  
 Kendriya Vidyalaya Sangathan,  
 Head Quarters, 18 Institutional Area,  
 Shahid Jeetsingh Marg,  
 New Delhi 110 016.
2. Deputy Commissioner,  
 Kendriya Vidyalaya Sangathan,  
 Hyderabad Region, Picket,  
 Secunderabad 500 009.
3. Deputy Commissioner,  
 Kendriya Vidyalaya Sangathan,  
 Chennai Region, IIT Campus,

Chennai 600 036.  
By Advocate **M/s. M.Vaidhiyanathan**

**OA 1249/2019:**

A.Malarkodi,  
SSA:Emp.Code-4362,  
Kendriya Vidyalaya,  
Anna Nagar, Chennai 600 040. ....Applicant  
By Advocate **M/s.R.Arumugam**

**Vs.**

1. Commissioner,  
Kendriya Vidyalaya Sangathan,  
Head Quarters, 18 Institutional Area,  
Shahid Jeetsingh Marg,  
New Delhi 110 016.
2. Deputy Commissioner,  
Kendriya Vidyalaya Sangathan,  
Chennai Region, IIT Campus,  
Chennai 600 036.
3. The Principal,  
Kendriya Vidyalaya,  
Anna nagar,  
Chennai 600 040. ....Respondents

By Advocate **M/s. M.Vaidhiyanathan**

**OA 1384/2019:**

R.Nallappan,  
Principal -retd:Emp.Code-17503,  
Om Sakthi Illam,  
Senthur Garden Phase-I,  
Pavalanthampalayam,  
Kadirampatti Post,  
Erode 638 107. ....Applicant  
By Advocate **M/s.R.Arumugam**

**Vs.**

1. Commissioner,  
Kendriya Vidyalaya Sangathan,  
Head Quarters, 18 Institutional Area,  
Shahid Jeetsingh Marg,  
New Delhi 110 016.
2. Deputy Commissioner,

Kendriya Vidyalaya Sangathan,  
Chennai Region, IIT Campus,  
Chennai 600 036.

..Respondents

By Advocate **M/s. M.Vaidhiyanathan**

**OA 1141/2019:**

V.Saraswathi,  
Retired TGT (Maths):Emp.Code:14357,  
24/42, Raman Street,  
Chitlapakkam, Chennai 600 064.

..Applicant

By Advocate **M/s.R.Arumugam**

**Vs.**

1. Commissioner  
Kendriya Vidyalaya Sangathan,  
Head Quarters, 18 Institutional Area,  
Shahid Jeetsingh Marg,  
New Delhi 110 016.
2. Deputy Commissioner,  
Kendriya Vidyalaya Sangathan,  
Chennai Region, IIT Campus,  
Chennai 600 036.

..Respondents

By Advocate **M/s. M.Vaidhiyanathan**

**OA 1668/2019:**

R.Shobana  
PGT(Eng),(Retd.):Emp.Code:  
5/23 Old Bank of Baroda Street,  
Ambattur, Chennai 600 053.

..Applicant

By Advocate **M/s.R.Arumugam**

**Vs.**

1. Commissioner,  
Kendriya Vidyalaya Sangathan,  
Head Quarters, 18 Institutional Area,  
Shahid Jeetsingh Marg,  
New Delhi 110 016.
2. Deputy Commissioner,  
Kendriya Vidyalaya Sangathan,  
Chennai Region, IIT Campus,  
Chennai 600 036.

..Respondents

By Advocate **M/s. M.Vaidhiyanathan**

**OA 1/2020:**

V.Janaki,  
Vice Principal (Rtd.):Emp.Code:4402,  
57B, Padmavathi Nagar,  
Virugambakkam,  
Chennai 600 092. ....Applicant  
By Advocate **M/s.R.Arumugam**

**Vs.**

1. Commissioner  
Kendriya Vidyalaya Sangathan,  
Head Quarters, 18 Institutional Area,  
Shahid Jeetsingh Marg,  
New Delhi 110 016.
2. Deputy Commissioner,  
Kendriya Vidyalaya Sangathan,  
Chennai Region, IIT Campus,  
Chennai 600 036. ....Respondents

By Advocate **M/s. M.Vaidhiyanathan**

**ORDER**

[Pronounced by Hon'ble Mr.P.Madhavan, Member(J)]

The above OAs are filed seeking the following relief:-

OA 1248/2019:

“Call for the original file(s)/record(s) of the respondents dealing with the case of the applicant and peruse the same;

Declare that after joining the services of the respondents as TGT (Hindi) on Direct Recruitment basis vide Memorandum Bearing No.F26.4/87/KVS(BBSR)/311 dated 25.8.1987 & after joining the services of the respondents as PGT (Hindi) on Direct Recruitment basis vide 2<sup>nd</sup> respondent's Memorandum Bearing No.F.2-Estt/95-KVS(MR)/26244 dated 22.11.1995, the applicant is entitled to be extended the benefits of GPF-cum-Pension scheme with all consequential benefits.

Award cost of this application and proceedings against the respondents and favour of the applicant.

Pass such further or and other order as may be required in facts and circumstances of the case.”

OA 702/2019:

“Call for the original file(s)/record(s) of the respondents dealing with the case of the applicant and peruse the same;

Declare the 1<sup>st</sup> respondent's impugned order bearing F.No.F.110125/2019/KVS/CPF to GPF/407 dated 06.5.2019 (Annexure A-21) as illegal, arbitrary and discriminatory and consequently quash the same.

Declare that after joining the services of the respondents as principal on Direct recruitment basis vie Memorandum dated 06.10.1998, the applicant is entitled to be extended the benefits of GPF-cum-pension scheme with all consequential benefits.

Award cost of this application and proceedings against

the respondents and favour of the applicant.

Pass such further or and other order as may be required in facts and circumstances of the case.”

OA 1075 /2019:

“Call for the original file(s)/record(s) of the respondents dealing with the case of the applicant and peruse the same;

Declare the 1<sup>st</sup> respondent's impugned order bearing F.No.F.110125/2019/KVS/CPF to GPF/407 dated 06.5.2019 (Annexure A-18) as illegal, arbitrary and discriminatory and consequently quash the same.

For declaration that the applicant deemed to have come under the GPF (Pension Scheme) in terms of the Policy under 1<sup>st</sup> respondent authorities O.M. In F.No.152-1/79-80/KVS/Budget/Part-II dated 1.9.1988 with effect from 1.2.1989 and consequently extend the benefits of GPF (Pension) Scheme to the applicant.

Costs of this original Application to be paid by the respondents.

Pass such further or and other order as may be required in facts and circumstances of the case.”

OA 1139/2019:

“Call for the original file(s)/record(s) of the 1<sup>st</sup> respondent authority relating to passing of the impugned letter bearing F.No.110125/2019/78/G.Rudraiah/Court Case/KVSPF/804 dated 19.7.2019 and quash the same as illegal.

For a declaration that the applicant deemed to have come under the GPF (Pension Scheme) in terms of the policy under 1<sup>st</sup> respondent authorities O.M. in F.No.152-1/79-80/KVS/Budget/Part-II dated 1.9.1988 w.e.f. 1.2.1989 and consequently extend the benefits of GPF (Pension) scheme to the applicant.

Costs of this Original Application to be paid by the respondents.

Pass such further or and other order as may be required in facts and circumstances of the case.”

OA 1140/2019:

“Call for the original file(s)/record(s) of the 1<sup>st</sup> respondent authority relating to passing of the impugned letter bearing F.No.110125/2019/78/G.Ramamoorthy/Court Case/KVSPF/802 dated 19.7.2019 and quash the same as illegal.

For a declaration that the applicant deemed to have come under the GPF (Pension Scheme) in terms of the policy under 1<sup>st</sup> respondent authorities O.M. in F.No.152-1/79-80/KVS/Budget/Part-II dated 1.9.1988 w.e.f. 1.2.1989 and consequently extend the benefits of GPF (Pension) scheme to the applicant.

Costs of this Original Application to be paid by the respondents.

Pass such further or and other order as may be required in facts and circumstances of the case.”

OA 1249/2019:

“ Call for the original file(s)/record(s) of the 1<sup>st</sup> respondent authority relating to passing of the impugned letter bearing F.No.110125/2019/K.V.S./P/875 dated 2.8.2019 and quash the same as illegal.

For a declaration that the applicant deemed to have come under the GPF (Pension) Scheme in terms of the policy under 1<sup>st</sup> respondent authorities O.M. in F.No.152-1/79-80/KVS/Budget/Part-II dated 1.9.1988 w.e.f. 1.2.1989 and consequently extend the benefits of GPF (Pension) scheme to the applicant.

Costs of this Original Application to be paid by the respondents.

Pass such further or and other order as may be required in facts and circumstances of the case.”

OA 1384/2019:

“Call for the original file(s)/record(s) of the respondents dealing with the case of the applicant and peruse the same;

Declare the 1<sup>st</sup> respondent's impugned order bearing F.No.F.110125/2019/KVS/P/1161 dated 25.9.2019 (Annexure A-20) as illegal, arbitrary and discriminatory and consequently quash the same.

Declare that after joining the services of the respondents as principal on Direct recruitment basis vide 1<sup>st</sup> respondent's Appointment order bearing No.F-11/2002-KVS(E-II)/0641959 dated 17.7.2002, the applicant is entitled to be extended the benefits of GPF-cum-pension scheme with all consequential benefits.

Award cost of this application and proceedings against the respondents and favour of the applicant.

Pass such further or and other order as may be required in facts and circumstances of the case.”

OA 1141/2019:

“Call for the original file(s)/record(s) of the 1<sup>st</sup> respondent's order of Rejection bearing No.110125/2019/81/V.Saraswathi/Court Case/KVPF/806 dated 23.7.2019 and quash the same as illegal.

For a declaration that the applicant deemed to have come under the GPF (Pension Scheme) in terms of the policy under 1<sup>st</sup> respondent authorities O.M. in F.No.152-1/79-80/KVS/Budget/Part-II dated 1.9.1988 w.e.f. 1.2.1989 and consequently extend the benefits of GPF (Pension) scheme to the applicant.

Costs of this Original Application to be paid by the respondents.

Pass such further or and other order as may be required in facts and circumstances of the case.”

OA 1669/2019:

“Call for the original file(s)/record(s) of the respondents dealing with the case of the applicant and peruse the same;

Declare the 1<sup>st</sup> respondent's impugned order bearing F.No.F.110120/2019/KVS/CPF to GPF/R.Shobhna/1314 dated 05.12.2019 (Annexure A-25) as illegal, arbitrary and discriminatory and consequently quash the same.

Declare that after joining the services of the respondents as Post Graduate Teacher on Direct recruitment basis vide Memorandum bearing No.F-18-5/89-KVS(Estt-III) dated 31.12.1991, the applicant is entitled to be extended the benefits of GPF-cum-pension scheme with all consequential benefits.

Award cost of this application and proceedings against the respondents and favour of the applicant.

Pass such further or and other order as may be required in facts and circumstances of the case.”

OA 1/2020:

“Call for the original file(s)/record(s) of the 1<sup>st</sup> respondent authority relating to passing of the impugned letter bearing F.No.110125/2019/V.V.S/grv/1341 dated 11.12.2019 and quash the same as illegal.

For a declaration that the applicant deemed to have come under the GPF (Pension) Scheme in terms of the policy under 1<sup>st</sup> respondent authorities O.M. in F.No.152-1/79-80/KVS/Budget/Part-II dated 1.9.1988 w.e.f. 1.2.1989 and consequently extend the benefits of GPF (Pension) scheme to the applicant.

Costs of this Original Application to be paid by the respondents.

Pass such further or and other order as may be required in

facts and circumstances of the case.”

2. As the issue involved in all these applications is identical and the relief sought for also is similar, these applications have been heard together and are being disposed off by this common order.

3. The applicants in the above OAs were the employees of the Kendriya Vidyalaya Sangathan (KVS) and they all had retired from service except the applicant in OA 1249/19. The case in brief is as follows:-

4. The applicant in OA 1248/19 was appointed as a Primary teacher in the KVS on 23.8.1985 on regular basis and hence she became the member of KVS Contributory Provident Fund (CPF) Scheme which was in existence at that time. Thereafter, she applied for Trained Graduate Teacher (TGT) (Hindi) and she was selected as an open market candidate and appointed as a fresh TGT w.e.f. 25.8.1987 and then she applied for the post of PGT (Hindi) as a open market candidate and was selected and appointed as PGT on 22.11.95. She retired from service on 31.3.18. Since she is directly recruited and appointed as TGT and PGT after 01.1.86, she is eligible for GPF Pension Scheme as per the 1<sup>st</sup> respondent's Circular No.F.No.152-1/79-80/KVS/Budget/Part II dt. 1.9.88 introducing the policy of GPF Pension Scheme.

5. The applicant in OA 702/19 was appointed as a PGT (Commerce) in the KVS on 14.9.83 on regular basis and became the member of KVS Contributory Provident Fund (CPF) Scheme which was in existence at that time. Thereafter, he applied for

the post of Principal as open market candidate and was appointed as such on 06.10.1998. He retired from service on 31.3.17. Since he is directly recruited and appointed as Principal after 01.1.86, he is eligible for GPF Pension Scheme as per the 1<sup>st</sup> respondent's Circular No.F.No.152-1/79-80/KVS/Budget/Part II dt. 1.9.88 introducing the policy of GPF Pension Scheme.

6. The applicant in OA 1076/19 was appointed as Primary Teacher in the KVS on 25.8.1983 on regular basis and became the member of KVS Contributory Provident Fund (CPF) Scheme which was in existence at that time. He retired from service on 31.5.19. Since he has not given any option to continue in the CPF Scheme, he is deemed to have come under GPF Pension Scheme in terms of Circular No.F.No.152-1/79-80/KVS/Budget/Part II dt. 1.9.88 introducing the policy of GPF Pension Scheme.

7. The applicant in OA 1139/19 was appointed as TGT (Maths) in the KVS on 21.8.1984 on regular basis and became the member of KVS Contributory Provident Fund (CPF) Scheme which was in existence at that time. He retired from service on 31.12.17. Since he has not given any option to continue in the CPF Scheme, he is deemed to have come under GPF Pension Scheme in terms of Circular No.F.No.152-1/79-80/KVS/Budget/Part II dt. 1.9.88 introducing the policy of GPF Pension Scheme.

8. The applicant in OA 1140/19 was appointed as Primary Teacher in the KVS on

04.11.1980 on regular basis and became the member of KVS Contributory Provident Fund (CPF) Scheme which was in existence at that time. He retired from service on 31.12.17. Since he has not given any option to continue in the CPF Scheme, he is deemed to have come under GPF Pension Scheme in terms of Circular No.F.No.152-1/79-80/KVS/Budget/Part II dt. 1.9.88 introducing the policy of GPF Pension Scheme.

9. The applicant in OA 1249/19 was appointed as LDC in the KVS on 06.11.1984 on regular basis and became the member of KVS Contributory Provident Fund (CPF) Scheme which was in existence at that time. She is due to retire from service on 30.9.2020. Since she has not given any option to continue in the CPF Scheme, she is deemed to have come under GPF Pension Scheme in terms of Circular No.F.No.152-1/79-80/KVS/Budget/Part II dt. 1.9.88 introducing the policy of GPF Pension Scheme.

10. The applicant in OA 1384/19 was appointed as PGT (Maths) in the KVS on 04.11.1982 on regular basis and became the member of KVS Contributory Provident Fund (CPF) Scheme which was in existence at that time. Thereafter, he applied for the post of Principal as an open market candidate and was appointed as Principal afresh w.e.f. 17.7.02. He retired from service on 31.5.17. Since he is directly recruited and appointed as Principal after 01.1.86, he is eligible for GPF Pension Scheme as per the 1<sup>st</sup> respondent's Circular No.F.No.152-1/79-80/KVS/Budget/Part II

dt. 1.9.88 introducing the policy of GPF Pension Scheme.

11. The applicant in OA 1141/19 was appointed as Primary Teacher in the KVS on 22.8.1984 on regular basis and became the member of KVS Contributory Provident Fund (CPF) Scheme which was in existence at that time. She retired from service on 30.6.19. Since she has not given any option to continue in the CPF Scheme, she is deemed to have come under GPF Pension Scheme in terms of Circular No.F.No.152-1/79-80/KVS/Budget/Part II dt. 1.9.88 introducing the policy of GPF Pension Scheme.

12. The applicant in OA 1668/19 was appointed as a Primary teacher in the KVS on 21.8.1985 on regular basis and hence she became the member of KVS Contributory Provident Fund (CPF) Scheme which was in existence at that time. Thereafter, she applied for Trained Graduate Teacher (TGT) (English) and she was selected as an open market candidate and appointed as a fresh TGT w.e.f. 23.6.1988 and then she applied for the post of PGT (English) as a open market candidate and was selected and appointed as PGT on 31.12.91. She retired from service on 31.5.16. Since she is directly recruited and appointed as TGT and PGT after 01.1.86, she is eligible for GPF Pension Scheme as per the 1<sup>st</sup> respondent's Circular No.F.No.152-1/79-80/KVS/Budget/Part II dt. 1.9.88 introducing the policy of GPF Pension Scheme.

13. The applicant in OA 1/2020 was appointed as TGT in the KVS on 03.8.1981

on regular basis and became the member of KVS Contributory Provident Fund (CPF) Scheme which was in existence at that time. Thereafter, she was appointed as PGT 9Chem.) on 28.2.1983. She retired from service on 30.4.17. Since she has not given any option to continue in the CPF Scheme, she is deemed to have come under GPF Pension Scheme in terms of Circular No.F.No.152-1/79-80/KVS/Budget/Part II dt. 1.9.88 introducing the policy of GPF Pension Scheme.

14. The contention of the applicants in OA Nos. 1248/19, 702/19, 1384/19 and 1668/19 is that as per para 2 of the Circular under Office Memorandum of the 1<sup>st</sup> respondent dt. 1.9.1988 introducing the scheme of GPF (Pension Scheme) to the employees of the KVS, "*persons joining service in the Sangathan on or after 10.1.1986 shall be governed only by the GPF Scheme and will have no option for the CPF Scheme. However, for all CPF beneficiaries, who were in service on 01.1.1986, the decision taken shall be implemented in the manner herein after indicted*". Hence in terms of para-2, they are entitled to be governed under GPF Scheme.

15. The contention of the applicants in OA Nos.1076/19, 1139/19, 1140/19, 1249/19, 1141/19 and 1/2020 is that as per para 3 of the above circular of the 1<sup>st</sup> respondent, "*All CPF beneficiaries, who were in service on 10.1.1986 and who are still in service on the date of these orders will be deemed to have come over to the pension scheme*". Hence in terms of para-3 they ought to have been automatically shifted to GPF Scheme.

16. The applicants believed that they automatically came into the said scheme as the old CPF scheme was no more in existence and no option to continue in CPF was exercised. It was later they understood that the respondents had erroneously continued them in the CPF Scheme. Eventhough they made representations against the same, no favourable order was given. Hence they have filed these OAs seeking the aforementioned relief. They relied on various decisions to show that they are similarly placed persons.

17. In view of the fact that all the applicants have filed OAs for similar relief and the facts are also similar, for the sake of convenience the OA 1248/2019 is taken as leading case.

18. The applicant in the above said OA came to know that one Shri Johnson p John who is similarly situated as the applicant has filed OA 457/2011 before the CAT, Ernakulam Bench and it was allowed on 22.3.2012. The respondents challenged the said order before the Hon'ble Kerala High Court by filing OP(CAT)597/2012(z), but the Hon'ble Kerala High Court confirmed the order of the CAT, Ernakulam Bench in OA 457/11. The respondents had implemented the said order. She also would submit that the Principal Bench of this Tribunal had allowed the OA 1027/14 and 1039/14 filed by similarly placed persons. The said order of the CAT, Principal bench was also implemented by the respondents. Similarly, the CAT, Madras Bench had also allowed OA 1094/2015 on 17.11.2016 and it was duly complied with by the

respondents.

19. The respondents ought to have granted the benefit of GPF Pension Scheme to the applicants also. The applicant was directly appointed as PGT (Hindi) w.e.f. 08.12.95 when CPF Scheme was not in existence. The fact that the respondents had erroneously continued CPF is not a ground for denial of benefit to the applicant.

20. The respondents appeared and filed a detailed reply admitting the appointment of the applicant as PGT on 08.12.95. According to the respondents, the applicant was under CPF Scheme while she was working as Primary School Teachr and later as TGT. So, the applicant was continued to be part of the CPF Scheme. It was in the 51<sup>st</sup> Meeting of Board of Governors, that the scheme for GPF Pension Scheme was decided to be implemented in the KVS and the Scheme was introduced in KVS as per OM dt. 01.9.88. As per the said OM, the persons joining KVS after 01.1.86 will be governed by GPF Pension Scheme. An option was also given to opt for to CPF Scheme. If no option was given, they will be deemed to have switched over to GPF Pension Scheme.

21. The applicants filed Rejoinder and stated that the applicants had never given any option to continue under CPF and hence she is entitled to get the relief. The applicant was appointed as PGT w.e.f. 22.11.95 and only GPF Pension Scheme alone was in existence. The applicant has also produced a copy of the implementation of CAT Order in OA 1094/2015 dt. 17.11.16 as Annexure A12. She also produced her

representation to the authorities dt. 07.2.18 before her retirement on 31.3.2018.

22. We had heard both sides and perused the decisions produced in support of the applicant's case. It is seen that a similar matter came up before this Bench in ***V.Thyagarajan v. Union of India & Others (OA 1094/2015)*** and it was decided in favour of the applicant holding that when the applicant was appointed directly, only GPF Pension Scheme was available and hence he is entitled to get the benefit of the said scheme. Similarly, in ***Johnson p John v. Dy. Commissiooner, KVS & 2 Others (OA 457/11)***, the Ernakulam Bench had considered the same matter and allowed the OA. The Hon'ble High Court of Kerala in OP(CAT)597/13(z) dt. 13.8.2013 had confirmed the said order and it has become final. The applicants OA Nos.1076/19, 1139/19, 1140/19, 1249/19, 1141/19 and 1/2020 are employees who had not given any option to continue in the CPF Scheme. As per the Scheme, employees who had not given option to continue in CPF, will be deemed to have come under the GPF (Pension) Scheme from the date of introduction. They mainly rely on the decision of the Hon'ble High Court of Madras in ***K.Subramanian v. Commissioner (reported in 2017 STPL 9496 Madras)***. According to them, they are also similarly placed persons as the applicant in that case and they are also entitled to get the benefit of GPF (Pension) Scheme. We find no reason to deny the benefit given in the above case to the applicants herein.

23. The applicants in these cases are similarly placed and there is no reason to

deny the said benefit to the applicants herein. Hence we dispose off these OAs with the following directions. No costs:-

**“1. The respondents are directed to grant the benefits of GPF (Pension) Scheme to the applicants in the above OAs w.e.f. the date of appointment to their respective posts or from dates on deemed coming over to the GPF Scheme.**

**2. The applicants are directed to refund the amount received from CPF, if any, at the time of their retirement without any interest. It is also made clear that the applicants are also not entitled to get any interest on the pension accrued from KVS.**

**3. The respondents are directed to complete the exercise of implementing the above order within a period of six months from the date of receipt of a copy of this order.”**

(T.Jacob)  
Member(A)

(P.Madhavan)  
Member(J)

03.06.2020

/G/