

**Central Administrative Tribunal
Jaipur Bench, Jaipur**

**O.A. No.140/2018
M.A. No.501/2020**

Dated of decision:26.10.2020

**Hon'ble Mr. Dinesh Sharma, Member (A)
Hon'ble Mrs. Hina P. Shah, Member (J)**

1. Mukesh Chand Meena s/o Shri Ramdhan Meena aged about 37 years, R/o Vill. & Post - Khilchipur, District Sawaimadhopur (Raj.) -322001.
2. Hariom Sharan Sharma s/o Shri Mahesh Prasad Mathur aged about 41 years, R/o 90 Sarti Nagar, Shyam Nagar, Janpath, Sodala Jaipur-302019.
3. Deendayal Shankhi s/o Shri Sharvan Lal Shankhi aged about 40 years R/o D-2, Ajay Meru DAD Colony, Opp. Haldighati Gate, Khatipura, Jaipur-302012.

Applicant No.1 is presently working as Senior Auditor while applicant No.2 & 3 are working as Assistant Accounts Officer under PCDA, Jaipur. ...Applicants.

(By Advocate: Shri Amit Mathur)

Versus

1. Union of India, through Secretary, Ministry of Defense, South Block, New Delhi-110001.
2. Principal Controller of Defense Accounts, South West Command Khatipura Road, Jaipur (Raj.)-302012.
3. Staff Selection Commission through its Secretary, Northern Region, New Delhi-110001.

(By Advocate: Shri Rajendra Vaish)

...Respondents.

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ORDER (ORAL)

Per: Mrs.Hina P.Shah:

The present Original Application has been filed by the Applicants with a prayer that the Respondents be directed to treat the Applicants governed by Old Pension Scheme (OPS) as applicable prior to 01.01.2004 along with all consequential benefits. They have also prayed for quashing and setting aside the orders dated 06.12.2017 (Annexure A/1 collectively).

2. It is the case of the Applicants that as per the Notification of 2003 issued by Staff Selection Commission (SSC) for various posts pertaining to vacancies of 2000-2001, the Applicants being eligible for the same had appeared for the preliminary examination conducted on 11.05.2003 as well as for main examination in September 2003. After their final results, they were declared successful. Their names were recommended by the SSC and their dossiers were sent to different departments. Thereafter, the Applicants were given appointments in the office of Principal Controller of Defence Accounts. In pursuance thereof, they joined their services in 2005. It is their case that they should be allowed to get the pensionary benefits as per the OPS. It is their further case that similar matters were preferred

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before various Courts and Tribunals and as they were considered for vacancies notified prior to 2004, they too are entitled to be governed by the pension policy prior to 2004. They had preferred representations to the Respondents for grant of the said benefits but the same were rejected by the impugned order dated 06.12.2017 (Annexure A/1). In an identical matter, i.e OA No.20/2015 (Sheeba B. and Another vs. Union of India & Others), the Ernakulam Bench of this Tribunal has allowed the benefits of OPS to the Applicants vide order dated 15.02.2016. Different Benches of this Tribunal have passed similar orders in case of Applicants. Therefore, the Applicants have prayed that the Respondents be directed to treat them as governed by the OPS since they have appeared for vacancies advertised to the year 2000-2001.

3. The Respondents after issue of notice have filed their reply justifying their stand that the orders passed by them are just and proper and in accordance with the relevant rules and instructions and prayed for dismissal of the OA.

4. The Applicants have filed Miscellaneous Application being MA No.501/2020 for passing necessary orders in light of judgements pronounced by different benches of the Courts/Tribunal as well as DOP&T OM dated 17.02.2020 and

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direct the Respondents to grant similar benefits to the Applicants as granted by different Benches of this Tribunal in identical matters.

5. Since the Applicants' prayer is to a limited extent for seeking similar benefits in light of judgements passed by various Benches of the Courts/Tribunal, it is deemed appropriate to dispose of the present OA without entering into the merits of the case by directing the respondents to consider the case of the Applicants in light of the judgements annexed with M.A No.501/2020, DOPT OM dated 17.02.2020 as well as judgment of the Ernakulam Bench of this Tribunal in Sheeba B. and Another (supra) and pass appropriate orders within a period of three months from the date of receipt of a certified copy of this order.

6. Ordered accordingly. No order as to costs.

7. MA No.501/2020 also stands disposed of accordingly.

(Hina P. Shah)
Member (J)

(Dinesh Sharma)
Member (A)

/kdr/