

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI

ORIGINAL APPLICATION No. 854/2019

Date of decision: 20.02.2020

CORAM:- R. VIJAYKUMAR, MEMBER (A).
R.N. SINGH, MEMBER (J).

1. Hanumant Sitaram Jambekar, aged about 36 years Son of Sitaram Jambhulkar, Residing at Jambul Post Kanhe, Tal- Maval, Dist. Pune 412106
2. Ganesh Prabhakar Jadhav, Son of Prabhakar Jadhav, At post Vadgaon Maval, Dhore Wada, Dist Pune 412106
3. Amit M Gajmal, Son of Mahadeo Gajmal, 925 Shivaji Nagar, Tukaram Paduka Chowk, FC Road, Behind Deendayal Hospital, Gajmalwadi, Pune 411004
4. Tulsidas Manikrao Tayde, Son of Manikrao Tayde, R/at 12/9 'J' Type Old AFK Quarters, Rangehills, Pune 411020
5. Nandu Maruti Kirve, Son of Maruti Kirve, At post Nirgudsar (Kotawade) Tal Ambegaon, Dist Pune 412406
6. Kiran R Palande, Son of Ramchandra Palande, Keshav Nagar, Vivek Vashat, Plot No. 33, Chinchwad Gaon, Pune 411033
7. Bapu R Vitnor, Son of Rambhau Vitnor, R/At Post - Manjiri, Tal - Rahuri, District Ahmednagar
8. Sandip R Dhumal, Son of Raghunath Dhumal, R/at Talgaon, Post Undale, Karad, District Satara
9. Dilip Keshav Doke Son of Keshav Doke, Ideal Home, 'A' Wing, Flat No.4 Behind Charbhuj Society, Pansare Mala, Chakan Shikrapur Road, Chakan, Taluk Khed, Dist Pune 411501
10. Lakshman Bhagwan Khade, Son of Bhagwan Khade, At post Palashi, Tal Man(Dahiwadi) District Satara Pin 415508
11. Navnath Sitaram Phule, Son of Sitaram Phule, RIAT post Ladakatwadi, Tal Daund, Dist Pune Pin 411014
12. Satpal Bacchu Singh, Son of Bacchu Singh, R/at 23/11, Type 'H' Range Hills, Khadki, Pune 411020
13. Kailas Ramchandra Barge, Son of Ramchandra Barge, RIAT Post Pimpode BK, Tal Koregaon, Dist Satara, Pin 415525

14. Kiran S Shedge Son of Shrirang Shedge, R/at Kiwale (Kotwal Nagar) Post Dehu Road, Tal Haveli Dist Pune Pin 412101

15. Navnath B Gige Son of Budha Gige, RIAT Sarole Pathar, Tal Sangamneer, District Ahmednagar Pin 422620

16. Amit V Kate, Son of Vilas Kate, R/at 36/289 Sant Tukaram Nagar, Pimpri Pune 411018

17. Tanaji S Khedekar, Son of Shivaji Khedekar, R/at post Guruli, Tal Purandhar, District Pune Pin 412104

18. Sachin B Bugade, Son of Bacharam Burgade, R/at Post Maligre, Tal Ajara, District Kolhapur Pin 416

19. Bharat S Yamgar, Son of Shankar Yamgar, R/at Shikshak Society(Engavle Nagar), Pimple Nilakh, Aundh, Pune 411027

20. Devidas Thopate, Son of Rajaram Thopate Residing at, At Post Rahatwade, Tal- Haveli, Dist. Pune- 412 205.

21. Samir S Ghare, Son of Shivaji Ghare, R/at Post Vadgaon Maval, Tal - Maval, Dist. Pune 412106

22. Gopal Govind Wabale, Son of Govind Wabale, R/at Post Shetephal Gadhe, Tal- Indarpur, Dist. Pune 413130

23. Biswanath Chhote Lal, R/at S No. 147/7, Colony No.7, Defence Colony, Ganesh Nagar, Bopkhal, Pune 411031

24. Chandrabhan. S. Tayade, Son of Suryabhan Tayde, Quarter No. 5/3/5, Indrayani Darshan, Dehu Road, Pune 412101

25. Raghunath Sudam Jagdale, Son of Sudam Jagdale, R/at Type 'D' 49/6, Range Hills, Khadki, Pune 411020

26. Prakash. A. Thorat, Son of Atmaram Thorat, House no.125, Shikshak Society, Ingavale Nagar, Pimple Nilakh, Aundh Camp, Pune 411027

27. M Pullaiha Son of M. Maddilati Quarter No. 3/5 Type I Rangehills, Khadki, Pune- 411 020

28. Gorakh N. Kumbhar Son of Narayan Kumbhar, Residing at Jambul Post Kanhe, Tal Maval Dist Pune 412106

29. D M Rao Son of Yerranna Donkana Residing at 'D' Type 4/8, Rangehills Estate, Khadki, Pune 411.020.

... Applicants.

(By Advocate Shri P. J. Prasadrao)

VERSUS.

1. Union of India Through the Secretary Ministry of Defence South Block, New Delhi- 110011
2. Director General of Ordnance Services, Master General of Ordnance Branch Integrated HQs of MoD (Army) New Delhi- 110011
3. The Commandant Central AFV Depot, Kirkee, Pune- 411 003
4. Pr. Controller of Defence Accounts (Pensions) Draupati Ghat, Allahabad - 211001

..... Respondents.

(By Advocate Shri N. K. Rajpurohit)

O R D E R (O R A L)

Per: R.N.SINGH, MEMBER (J)

1. When the case is called out, Shri P. J. Prasadrao, learned counsel appeared for the applicants.
2. Shri N. K. Rajpurohit, learned counsel appeared for the respondents.
3. The learned counsel for the respondents seeks four weeks time to file reply.
4. However, the learned counsel for the applicants submits that during the pendency of the OA the Government of India, Department of Pension and Public Welfare has issued an office memorandum dated 17.02.2020 and the claim of the applicants is squarely covered by the aforesaid office memorandum dated 17.02.2020. He has placed a copy of such memorandum on record.
5. Para-4 of the said memorandum provides as under:

"4. The matter has been examined in consultation with the Department of Personnel and Training, Department of Expenditure and Department of Legal Affairs in the light of the various representations/references and decision of the Courts in this regard. It has been decided that in all cases where the results for recruitment were declared before 01.01.2004 against vacancies occurring on or before 31.12.2003, the candidates declared successful for recruitment shall be eligible for coverage under the CCS (Pension) Rules, 1972. Accordingly, such Government servants who were declared successful for recruitment in the results declared on or before 31.12.2003 against vacancies occurring before 01.01.2004 and are covered under the Nation Pension System on joining service on or after 01.01.2004, may be given a one-time option to be covered under the CCS(Pension) Rules, 1972. This option may be experienced by the concerned Government servants latest by 31.05.2020."

5. In view of the aforesaid, the OA is disposed of with liberty to the applicants to make the option before the Competent Authority in terms of the aforesaid office memorandum within the time as provided in the said memorandum. On compliance of the requirements provided in the office memorandum dated 17.02.2020 by the applicants, it is directed that the same shall be considered by the respondents afresh by passing an appropriate order.

7. The OA is disposed of in the aforesaid terms. Pending MA(s) also stands disposed of accordingly.

8. However in the facts and circumstances, no order as to costs.

(R. N. Singh)
Member (J)

(R. Vijaykumar)
Member (A)

V.

JJ
16/03/2020

