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**CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI**

ORIGINAL APPLICATION No.210/00048/2020
(with MA Nos.210/14/2020 & 210/15/2020)

Dated this Thursday, the 12th day of March, 2020

**CORAM : DR. BHAGWAN SAHAI, MEMBER (A)
R.N.SINGH, MEMBER (J)**

1. Shri R.C.Verma, Age 42 years, Son of C.Verma, Working as CMD Grade II, MT Pool, INS Shivaji, Lonavala, Tal: Maval, Dist : Pune 402 410, Residing at Plot No.124/8, Pratap Nagar, INS Shivaji, Lonavala, Taluka: Maval, District: Pune 410 402. (M) 9881031245, Email: rcvermav188@gmail.com.
2. Shri Vasant Uttam Kharat, Son of Uttam Kharat, Age 46 years, Working as Labourer, ITW Masstion Shop, INS Shivaji Lonavala 410 402, Residing Shilpkar Nagar Kurvande, Taluka: Maval, District: Pune 410 402, (M) 7719053118, Email: kharatvasant18@gmail.com.
3. Shri Jalindar Somnath Unde, Son of Somath Unde, Age 37 years, Working as Unskilled Labourer, Logistics Complex, INS Shivaji, Lonavala 410 402. Residing at Akhil Society, Flat No.2, Near Shahu Garden, Bijali Nagar, Chinchwad, Pune 410 033, (M) 9673226363, Email: jalindarunde1981@gmail.com. - Applicants

(By Advocate Shri Vishal P. Shirke)

Versus

1. Union of India, Through the Secretary, Ministry of Defence, South Block, New Delhi 110 001.
2. The Flag Officer Commanding-in-Chief, Headquarter Western Naval Command, Shahid Bhagat Singh Road, Mumbai 400 001. (for Staff Officer-Civilians), through Chief Administrative Officer.
3. The Chief Staff Officer (Personnel and Administration) Head Quarters, Western Naval Command, Shahid Bhagat Singh Road, Mumbai 400 001. - Respondents

(By Advocate Ms. Sangeeta Yadav proxy counsel for Ms. Vaishali Choudhari)

ORAL ORDER
Per : R.N.Singh, Member (Judicial)

Shri Vishal P. Shirke, learned counsel for the applicants.

Ms. Sangeeta Yadav, proxy counsel for Ms. Vaishali Choudhari, learned counsel for the respondents.

2. At the outset, the learned counsel for the applicants submits that during pendency of the OA, the respondent No.1 has issued Office Memorandum No.57/04/2019-P&PW(B) dated 17.02.2020 through the Department of Pensions and Pensioners Welfare, on the subject "Coverage under Central Civil Services (Pension) Rules, 1972, in place of National Pension System, of those Central Government employees whose selection for appointment was finalized before 01.01.2004 but who joined Government service on or after 01.01.2004" and the same covers the claim of the applicants.

3. Paragraph No.4 of the aforesaid OM dated 17.02.2020 reads as under :-

"4. The matter has been examined in consultation with the Department of Personnel & Training, Department of Expenditure and Department of Legal Affairs in the light of the various representations/ references and decisions 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 National Pension System on joining service on or after 01.01.2004, may be given a time-bound option to be covered under the CCS (Pension) Rules, 1972. This option may be exercised by the concerned Government servants latest by 31.05.2020.”

4. The learned counsel for the applicants submits that in view of the aforesaid, the applicants comply with the directions of the aforesaid memorandum.
5. In view of the aforesaid, the OA is disposed of with a direction to the respondents that in case the applicants' claim is found covered under the aforesaid memorandum, the same shall be considered and necessary order(s) shall be passed by the respondents.
6. The OA is disposed of in the aforesaid terms.
7. The pending MAs also stand disposed of accordingly.
8. However, in the facts and circumstances, no order as to costs.

(R.N.Singh)
Member (Judicial)

(Dr. Bhagwan Sāhāi)
Member (Administrative)

kmg*

13/03/2020

