

Central Administrative Tribunal
Principal Bench, New Delhi.

OA-485/2004

New Delhi this the 24th day of September, 2004.

Hon'ble Shri V.K. Majotra, Vice-Chairman(A)

Smt. Saroj Verma,
SUPW Teacher (Retd.),
A-73, Chitranjan Park,
New Delhi-19.

..... Applicant

(through Shri Anil Srivastava, Advocate)

Versus

1. Commissioner,
Kendriya Vidyalaya Sangathan,
Institutional Area,
S.J.S. Marg,
New Delhi-16.

2. Asstt. Commissioner,
Delhi Region,
Kendriya Vidyalaya Sangathan,
J.N.U. New Mehrauli Road,
New Delhi. Respondents

(through Sh. S. Rajappa, Advocate)

Order (Oral)

The sole issue arising for determination in this O.A. is whether in view of the provisions of O.M. No. 4/1/87-P.I.C.I dated 1.5.1987 (Annexure A-1) issued by the department of Pensions and Pensioner's Welfare regarding change over of employees from Contributory Provident Fund (CPF) Scheme to Pension Scheme, the applicant can be treated to be under the CPF Scheme even though she never exercised the option to

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continue under the CPF Scheme. As per the provisions of the said O.M. all subscribers of the CPF Scheme shall be deemed to come over to the Pension Scheme if they do not exercise the option. It is alleged that despite frequent reminders and personal visits of the applicant, respondents have not accorded benefits to the applicant under the Pension Scheme.

2. Applicant ^{was} a Home Science Teacher Grade-II under the respondents' organization and retired from service in April 2003.

3. Learned counsel of the respondents referred to Annexure-R1 dated 1.9.1989 which is applicant's option to continue under the Contributory Provident Fund Scheme. She had also stated in this option that "the option exercised above for continuance in CPF is final and irrecoverable". On the basis of her option for continuance under CPF Scheme as per Annexure R-2 dated 10.2.1989 applicant was shown at Serial No. 22 with CPF Account No. CEC 121 in the list of retention of CPF Scheme. Applicant's representation is also stated to have been disposed of vide Annexure R-3 dated 24/25.8.2000 by the respondents.

4. Neither any rejoinder has been filed on behalf of the applicant nor was her learned counsel able to contradict the contentions made on behalf of the respondents as above.

5. In the light of the above discussion, this OA is dismissed being without merit.

V.K. Majotra
(V.K. Majotra)
Vice-Chairman(A)

24.9.04

/cc/