

**CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH, AHMEDABAD.**

OA No.08/2021

This the 20th day of January, 2021

**Corman : Hon'ble Shri J.V.Bhairavia, Member (J)
Hon'ble Shri A.K.Dubey, Member (A)**

Ajith (Ajith Peethambaran Nair)

Aged : 57 years, Male

Occupation : Service

Presently working at P-591/D, MES Officers Quarters

MES Officers Enclave,

Nr. Kendriya Vidhyalaya, Dafnala,

Shahibaug, Ahmedabad 380 004.

Permanent Address at :

Sri Lakshmi, TC 2/1191 (1)

CRA – 83, Near Government High School,

Kazhakootam P.O.,

Trivandrum, Kerala – 695582..... Applicant

(By Advocate : Ms.Jasmi Sugunan, Shri D.V.Kansara)

VERSUS

1. Union of India
Notice to be served through
The Secretary to the Govt. of India
Department of Defence,
South Block, New Delhi 110 011.
2. Headquarters
Chief Engineer,
Southern Command,
Pune 411 001.
3. Engineering in Chief
(E-in-C's Branch)
Integrated HQ of MOD (Army)
Kashmir House, Rajaji Marg,
New Delhi 110 001.
4. Headquarter
Chief Engineer,
Jodhpur Zone, 900 066.

CAT, Ahmedabad Bench

5. Headquarters
Commander Work Engineer
Hanuman Camp Cantonment
Ahmedabad 380 004.
6. Garrison Engineer
Hanuman Camp Cantonment
Ahmedabad 380 004.
7. Area Account Office (SC)
Opp. ATS Office, Dafnala
Shahibaug, Ahmedabad 380 004. Respondents

ORDER – ORAL

Per : Hon'ble Shri J.V. Bhairavia, Member (J)

In the instant OA, it is the grievance of the applicant that his representation dated 09.05.2020 (Annexure A-3) addressed to the Chief Engineer, Headquarters, Southern Command, Pune with regard to the claim of coverage of his pension under CCS (Pension) Rules, 1972 in place of National Pension Scheme (In short as NPS hereinafter) has not been considered by the respondents. It is also stated that various reminders were submitted wherein it was also reiterated the said request and in addition to it, it was brought to the notice of the respondents that his claim is squarely covered under the O.M. dated 17.02.2020 issued by the Government of India, Department of Pension and PW, more particularly, at para 4 of the said OM explaining the applicability of Old Pension Scheme for recruitment/ appointment relates to vacancy occurred on or before 31.12.2003 and process of one time option need to be covered under CCS (Pension) Rules, 1972 and the concerned Government servant

has been granted option to exercise his option latest by 31st May, 2020. It is the case of the applicant that he has already submitted his option before the stipulated date.

2. After arguing for some time, learned counsel for the applicant, Shri D.V.Kansara submits that the applicant will be satisfied if appropriate direction be issued to the respondent No.2 to consider his pending representation dated 09.05.2020 (Annexure A-3) in terms of OM dated 17.02.2020 within stipulated time.

3. We have perused the materials placed on record and considering the submissions made on behalf of the applicant, as noted herein above, since the respondents have not taken any decision on the representation/application dated 09.05.2020 (Annexure A-3) submitted by the applicant and as such, there is no decision of the respondents on record, without entering into merits of the case, we dispose of the present OA with a direction to the respondent No.2 to consider and decide pending representation of the applicant on the subject of coverage under the CCS (Pension) Rules, 1972 in place of NPS in the light of the OM dated 17.02.2020 and the service record of the applicant expeditiously, but not later than sixty days from the date of receipt of a copy of this order.

4. In view of the above, the OA stands disposed of at the admission stage itself.

5. Registry is directed to send copy of this order to the counsel for the applicant through email and it is open for the applicant to serve copy this order to the respondents through email as well as by Speed posts.

(A.K.Dubey)
Member (A)

(J.V.Bhairavia)
Member (J)

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