

**Central Administrative Tribunal
Ernakulam Bench**

O.A No.180/00312/2021

Monday, this the 26th day of July, 2021

CORAM:

**Hon'ble Mr. P.Madhavan, Judicial Member
Hon'ble Mr.K.V.Eapen, Administrative Member**

1. Dr.Seema.A
aged 49 years, D/o.(Late) E.Anvari
Scientist – D, Centre for Materials for Electronics
Technology (C-MET), Thrissur
residing at Sarass, Mythri Nagar, Kolazhy P.O
Thrissur – 680 010, Mob No.9497178368
2. Rani Panicker
Aged 50 yrs, D/o.(Late) R.Narayana Panicker
Scientist-B, Centre for Materials for Electronics
Technology (C-MET), Thrissur, residing at Thottungal House
Kuranchery, Minalur P.O, Thrissur – 680 581
3. Abraham P.A
Aged 56 yrs, S/o.(Late) A.M.Abraham
Support Staff Technical VI
Centre for Materials for Electronics Technology (C-MET)
Thrissur, residing at Poovakulath House, Field Nagar
Kolazhy P.O, Thrissur- 680010
4. Priyadarsini.V
aged 51-yrs, D/o.(Late) K.Gopalakrishnan
Support Staff Technical.V
Centre for Materials for Electronics Technology (C-MET)
Thrissur, residing at Krishna Kripa, Vattappilly House
Ammankuzhy Road, M.G.Kavu P.O
Thrissur – 680 581
5. Prasad.K
aged 56 yrs, S/o.(Late) C.Kaliappan
Support Staff Technical.V
Centre for Materials for Electronics Technology (C-MET)
Thrissur, Residing at Pournami, 1st Floor, Gokulam Apartments
Greenland Avenue, Opp.7 day bazaar, Kolazhy P.O
Thrissur – 680 010

6. T.Paramasivan
age-52 yrs, S/o.Mr.K.Thirumalai
Staff Administration VI, Centre for Materials for Electronics
Technology (C-MET), Thrissur, Residing at 102-A
New Nehru Nagar Maharaja Nagar Post
Palayamkottai Taluk
Tirunelveli 627 011

7. Mohanan.P.K
aged 59 yrs, S/o(Late) Kandoran
Staff Administration II
Centre for Materials for Electronics Technology (C-MET)
Thrissur, residing at Pulinchery House
M.G.Kavu, Athani Post, Thrissur – 680 581

8. Krishnadas M.B
Aged 53 yrs, S/o.(Late) M.R.Balan
Staff Administration II
Centre for Materials for Electronics Technology (C-MET)
Thrissur, residing at Madathiparambil House
Padukad P.O, Viyyur, Thrissur – 680 010

9. C.Raveendran
aged 60 yrs, S/o.(Late) C.Karunakaran
Staff Administration VI (Rtd)
Centre for Materials for Electronics Technology (C-MET)
Thrissur, residing at Cholamparambil House
Souhardha Street, Kolazhy P.O
Thrissur – 680 010

(By Advocate: Mr.P.N.Mohan and Mr.C.P.Sabari)

Versus

1. Centre for Materials for Electronics Technology (C-MET)
Represented by Director
Shornur Road, Mulagunnathukavu P.O
Thrissur – 680 581
2. Registrar
Council of Management of Centre for Materials for Electronics
Technology (C-MET), Panchwati, Pashan Road
Pune, Maharashtra- 411 008
3. Director General
Council of Management of Centre for Materials for Electronics
Technology (C-MET), Panchwati, Pashan Road
Pune, Maharashtra-411 008

4. Union of India

Represented by Secretary to Government
 Ministry of Electronics & Information Technology
 Electronics Niketan,6, CGO Complex
 Lodhi Road, New Delhi – 110 003

- Respondents

(By Advocate: Mr.S.Sreenath for R 4 and Adv.Ms.Sudhi Vasudevan,Sr. with Adv.Mr.Jose Jones Joseph for R 1-3)

The O.A having been heard on 26th, July 2021 through video conferencing, this Tribunal delivered the following order on the same day:

O R D E R (ORAL)

P.Madhavan, Judicial Member

This Original Application has been filed by the applicants seeking the following reliefs:

“ a) Issue a direction directing the respondents 1 to 3 to convert the provident fund of the applicants from CPF Scheme (Contributory Provident Fund Scheme) to GPF Scheme (General Provident Fund Scheme) and to grant pension in accordance with CCS (Pension) Rule, 1972 in the light of Ann.A7 & A8 judgments.

b) Declare that the applicants are entitled to get transfer their CPF Scheme (Contributory Provident Fund Scheme) to GPF Scheme (General Provident Fund Scheme) as they joined in the service before 31.12.2003 and by virtue of the legal fiction created by Ann.A2, A3, A5 & A6 and consequential benefits.

c) declare that in terms of para 2 of the bye-law the applicants are to be enrolled in the GPF Scheme (General Provident Fund Scheme) and are entitled to get pension under the CCS (Pension) Rule, 1972 in the light of Ann.A7 & A8 judgments.

d) Grant such other and further reliefs as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case. ”

2. The brief facts of the case are as follows:

The applicants joined in the service of the first respondent which is fully

owned and funded by the Government of India as an autonomous institution, considering the discharge of function to be executed, in time bound manner, on various dates in various cadre before 31.12.2003 and before National Pension Scheme came into force. The applicants submit that they are governed by CCS (Classification Control and Appeal) Rules, 1972 as adopted in Annexure A-1 bye-law and by virtue of Annexures A-2, A-3, A-5 and A-6, they are entitled to be enrolled in the GPF Scheme. But they were enrolled in the CPF Scheme without any option exercised by the applicants. The question raised in this O.A is that whether the applicants are entitled to convert their Provident Fund from CPF Scheme to GPF Scheme and to get pension in terms of CCS Pension Rule, 1972.

3. When the matter came up for hearing, Counsel for the applicant has produced a copy of the representation submitted by the applicants as Annexure A-9 and submits that the applicants will be satisfied if the Annexure A-9 representation is considered by the respondents in the light of relevant rules, regulations and decisions of various Court's and pass a speaking order within a time limit.

4. Counsel for respondent nos.1 to 3 Adv.Ms.Sudhi Vasudevan,Sr with Adv.Mr.Jose Jones Joseph and Adv.Mr.P.B.Unnikrishnan representing Adv.Mr.S.Sreenath,ACGSC are present.

5. In view of the limited submission, ***the respondents are directed to consider the representation at Annexure A-9 in the light of relevant rules, regulations and decisions of various Court's and pass a speaking order within a period of three months from the date of receipt of a copy of this order.***

6. The Original Application is disposed of as above. No costs.

(K.V.Eapen)
Administrative Member

(P.Madhavan)
Judicial Member

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List of Annexures

Annexure A1 - A true copy of the bye-law for C-MET adopted by the ministry

Annexure A2 - A true copy of the memorandum dated 1.5.1987 issued by the Government of India

Annexure A3 - A true copy of the Office Memorandum dated 23.7.1996 of the Government of India

Annexure A4 - A true copy of the notification dated 22.12.2003 issued in the Government of India Gazette

Annexure A5 - A true copy of the memorandum dated 17.2.2020 issued by the Government of India

Annexure A6 - A true copy of the office memorandum dated 31.3.2021 issued by the Government of India

Annexure A7 - A true copy of the judgment as reported 2006(12) SCC 53

Annexure A8 - A true copy of the judgment dated 23.4.2021 in W.P(C) No.10993/2020

Annexure A9 - A true copy of the representation dated 19.7.2021 submitted by the applicants before the third respondent.

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