

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK**

**Original Application No. 260/00873 of 2015
Cuttack, this the 9th day of December, 2015**

**CORAM
HON'BLE SHRI R.C.MISRA, MEMBER (ADMN.)**

.....
Surendranath Das,
Aged about 55 years,
S/o Late Hadibandhu Das,
at present working as Poultry Attendant,
under Director, Central Poultry Development Organisation,
Nayapalli, Bhubaneswar-12,
permanent resident of Vill- Pathuri, PO- Jalda,
PS/Via- Jharpokharia, Dist- Mayurbhanj, Odisha.

...Applicant

**(Advocates: M/s. N.R.Routray, S. Sarkar, U. Bhatt, J. Pradhan,
S.K.Mohanty, T.K.Choudhury)**

VERSUS

1. Union of India,
Ministry of Agriculture,
Department of Animal and Husbandry and Dairying,
Represented through its Secretary,
Krishi Bhawan, New Delhi-110001.
2. Joint Secretary (Animal Husbandry),
Govt. of India, Ministry of Agriculture and Farmers Welfare,
Department of Animal Husbandry, Dairying and Fisheries,
Krishi Bhawan, New Delhi-110001.
3. Director,
Central Poultry Development Organization,
Eastern Region, Govt. of India, Nayapalli,
Bhubaneswar-12, Dist- Khordha.
4. Secretary,
Department of Personnel Training,
North Block, New Delhi- 110001.

... Respondents

(Advocate: Mr. J.K.Nayak)

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ORDER (ORAL)

R.C.MISRA, MEMBER (ADMN.):

Heard Mr.N.R.Routray, learned counsel for the applicant and Mr.J.K.Nayak, learned ACGSC for the respondents on the question of admission and perused the records.

2. Applicant is presently working as Poultry Attendant under the Director, Central Poultry Development Organization, Government of India. According to him, he had initially joined as casual labourer through the Employment Exchange in the year 1985. Thereafter, he was granted 1/30th status in the year 1988. In the year 1993, he was conferred with temporary status and consequently, he was granted all facilities as admissible to Group-D employees, i.e., DA, HRA, CCA including GPF contribution. His services were regularized with effect from 08.12.2004 against the post of Poultry Attendant. However, after the regularization of his service, his contribution to GPF was stopped and an amount of Rs.39,212/- which had already been credited to the GPF account was returned to the applicant. This was because of the fact that applicant was brought over to new Pension Scheme.

3. It is the case of the applicant that when he was conferred with temporary status in the year 1993 his GPF contribution was being deducted and therefore, he cannot be brought over to new Pension Scheme which is prejudicial to his interest on the ground that his regularization has taken place in the year 2004. Secondly, it has been urged that if he is governed under the new Pension Scheme, 2004, he

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being a GPF contributory from the year 1993, it would amount to retrospective application of new Pension Scheme.

4. During the course of hearing on admission, Mr.Routray submitted that in similar matters Principal Bench of the Central Administrative Tribunal has allowed the case of similarly placed employees and directed that the provisions of ^{CCS} ~~SSC~~(Pension) Rules, 1972 should be applied to their case and they should be entitled to all the benefits thereunder. It has been submitted that ventilating his grievance applicant has preferred a representation dated 11.9.2015 to the Joint Secretary (Animal Husbandry), Govt. of India, Ministry of Agriculture and Farmers Welfare, Department of Animal Husbandry, Dairying and Fisheries, New Delhi, who is respondent No.2 in this O.A., which is still pending for consideration.

5. I have considered the rival submissions. At this stage without expressing any opinion on the merit of the case, I would direct respondent no.2 to consider and dispose of the representation if pending at his level, having regard to extant rules as well as the decisions of the Courts in similar circumstances and communicate a decision to the applicant through a reasoned and speaking order within a period of ninety days from the date of receipt of this order.

6. With the above observation and direction, this O.A. is disposed of at the stage of admission itself. No costs.

7. On the prayer made by the learned counsel copy of this order along with paper book of O.A. be sent to res.no.2 at the cost of the



applicant for which Mr.N.R.Routray undertakes to file the postal requisites by 11.12.2015.

8. Free copy of this order be made over to learned counsel for both the sides.

R.C.MISRA
(R.C.MISRA)
MEMBER(A)

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