

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

OA No.417/99

Monday this the 12th day of November, 2001.

CORAM

HON'BLE MR. A.V.HARIDASAN, VICE CHAIRMAN  
HON'BLE MR. G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER

1. P.V.Subramaniam  
Personal Assistant 'C'  
S/o Sri P.R.Venkithaswara Iyer  
Systems Reliability (SR)
2. K.Sreekumaran  
Personal Assistant 'A'  
S/o Late M.P. Narayanan Nair  
Propellant Fuel Complex.
3. K.P.Ramachandran Pillai  
Personal Assistant 'A'  
S/o Late P.Parameswaran Pillai  
EFA, 70 Acre Area.
4. V.N.Somasekhara Panicker  
Fireman  
S/o G.N.Kesava Panicker  
FRS/PSLV/VMC  
Valiyamala P.O.
5. R.Somasekharan Nair  
Fireman 'B'  
S/o Raghavan Pillai  
Fire Service  
MVIT, Valiamala.
6. L.Padmakumari  
Stenographer  
W/o G.Madhavan Nair  
CPCC, CMS Group  
Vattiyoorkavu.
7. H.P.Sharma  
Principal  
S/o Dalvir Sharma  
VSSC Central School.
8. C.Kochuthresi  
Admn.Assistant 'A'  
W/o T.K.Abraham  
Establishment Section  
PGA/VSSC.
9. T.Thomas Mony  
Assistant Canteen Manager  
S/o V.M.Thomas  
TERCS Canteen

Applicants.

(All are working at Vikram Sarabhai Space Centre (VSSC),  
ISRO P.O. Trivandrum)

[By advocate Mr.M.Rajagopalan]

Versus

1. The Director  
Vikram Sarabhai Space Centre (VSSC)  
ISRO Post  
Thiruvananthapuram-695 022.
2. The Chairman & Secretary  
Indian Space Research Organisation (ISRO)  
Antariksh Bhavan  
New BEL Road  
Bangalore - 560 094.
3. Union of India represented by  
The Secretary  
Ministry of Personnel, Public Grievances  
& Pensions, New Delhi. Respondents.

[By advocate Mr.C.N.Radhakrishnan]

The application having been heard on 12th November, 2001, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.V.HARIDASAN, VICE CHAIRMAN

Pursuant to Government of India, Department of Personnel decision regarding extending the benefit of Pension Scheme to existing CPF optees, Department of Space vide it's letter dated 21.10.87 has ordered that all administrative staff who were governed by the CPF Scheme and were in service as on 1.1.86 would be deemed to have come over to GPF/Pension Scheme unless any employee chooses otherwise by exercise of an option. The option was to be made before 31.12.87. The applicants who were administrative staff did exercise their option to continue under CPF Scheme. Thereafter, applicants made representations to give them another opportunity to re-opt. In reply to the representations, the applicants were told by the impugned order dated 7.10.98 that though the issue of reoption had been taken up with the Department of Space many times, the Department of Pension and Pensioners' Welfare having not agreed to the proposal, it was not possible to accede to the applicants' demand. However, it has also been indicated that until

Government re-opens the issue, the Department may not be able to make any further change in the matter. Aggrieved by that, the applicants have filed this application seeking to set aside Annexure A-4 order and for a declaration that the rejection of the request of administrative and Auxiliary Personnel to come under GPF, while permitting the Technical and Scientific Personnel to opt to change over to GPF is discriminative and without any nexus to the object and also for a direction to the respondents to permit the applicants to opt from CPF to GPF Scheme. It is alleged in the application that the Technical and Scientific Personnel had been given the opportunity to opt for GPF in the year 1993.

2. Respondents in their reply statement contend that the right to opt was given to Scientific and Technical staff in the year 1993, extending the benefit given to the administrative staff in the year 1987 and that there is absolutely no discrimination vis-a-vis administrative and scientific staff. All the applicants have already opted to continue under the CPF and as the Government has not agreed to the proposal for re-option, the respondents are not in a position to accede to the request of the applicants, contend the respondents.

3. An identical issue as involved in this case was considered by the Hyderabad Bench of this Tribunal in OA 738/2000 and it was held that it was not possible to accept the contention of the applicant and that it was open to the Government to take any decision in the matter. We find ourselves in perfect agreement with the view taken.

4. Since the applicants have already exercised their option once, whether they should be given another opportunity to re-opt or not is a matter of policy, which the Government may decide. The Tribunal cannot give a direction in that regard. In the impugned order it has been stated that unless the Government re-opens the issue the request of the applicants cannot be acceded to. It follows that if the Government would decide to reopen the matter the applicants may get a chance leaving it to the Government to take an appropriate decision. We dispose of this application without any directions or order as to costs.

Dated 12th November, 2001.



G. RAMAKRISHNAN  
ADMINISTRATIVE MEMBER

aa.



A.V. HARIDASAN  
VICE CHAIRMAN

APPENDIX

Applicants Annexures

1. Annexure A1:- True copy of the Memorandum No.VSSC/EST/PCR/IC/08 dated 30.11.1987 issued by the Admin. Officer under the 1st respondent.
2. Annexure A2:- True copy of the Office Memorandum No.2/10 (2)/87-I(Vol.V), dated 30.5.97 of the 2nd respondent.
3. Annexure A3:- True copy of the representation dated 14.1.98 submitted by the first applicant to the Chairman Grievance Committee, VSSC under respondents 1 and 2.
4. Annexure A4:- True copy of the order No.VSSC/EST/H-1/GC/98 dated 7.10.98 issued by the Member Secretary, GC and SGO under the first respondent.

Respondents Annexures

1. Annexure-R1(a): True copy of Office Memorandum No.4/1/87-PIC-I dated 1.5.1987, issued by Deptt. of Personnel PG & P, Govt. of India.
2. Annexure-R1(b): True copy of OM No.2/10(2)/87-I/Vol.IV dated 4.1.1993 issued by Deptt. of Space, Govt. of India.