

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

Original Application No. 77 of 2011

Monday, this the 31st day of January, 2011

CORAM:

Hon'ble Ms.K.Noorjehan, Administrative Member

Mr.K.M Xavier James
(Rtd. Sci/Engr SE, VSSC)
KP 1/1090, 'Goodness"
Madankovil Lane, Muttada P.O,
Paruthippara, Thiruvananthapuram – 695 025 ... **Applicant**

(By Advocate – Mr.G Sudheer)

V e r s u s

1. Union of India, represented by its Secretary
Department of Science and Technology
Anusandhan Bhavan, 2, Rafi Marg
New Delhi – 110 001.
2. The Joint Secretary
Department of Space, Anthariksh Bhavan
New BEL Road, Bangalore
3. The Director
Vikram Sarabhai Space Centre
Thiruvananthapuram – 695 022. **Respondents**

(By Advocate – Mr.Sunil Jacob Jose, SCGSC)

This application having been heard on 31.1.2011, the Tribunal
on the same day delivered the following:

O R D E R

By Hon'ble Ms. K.Noorjehan, Administrative Member -

1. The applicant has filed this Original Application seeking for a declaration
to enable him to exercise the option to switch over from CPF to GPF Scheme in

terms of Annexure A-1. It is seen vide Annexure A-6 that he has approached this Tribunal by filing an Original Application 230/2007 praying for the same relief. The operative portion of the order dated 04.04.2008 is extracted below:-

“ The applicant's representations have been duly considered by the respondents and it was made clear to him that the Annexure A-1 Memorandum dated 19.04.2006 was not applicable to him as the same was restricted to only those S&T personnel who had joined service prior to 01.08.2002 and not completed 20 years as on 30.05.1997. I have considered the aforestated rival contentions. In my considered view, the new option is applicable only to a specific category of employees who have joined service prior to 01.08.1992 and had not completed 20 years of service on 3.05.1997 and who were inadvertantly denied the options earlier. Admittedly the applicant had joined service on 02.09.1968 and he had already completed 20 years of service on 02.09.1998 itself. The options made available to him to switch over to GPF/Pension scheme has not been utilised by him intentionally and he preferred to be governed under the CPF Scheme. I, therefore, do not find any merit in the contention of the applicant that the new option is applicable to him also. Accordingly this O.A is dismissed. There shall be no orders as to costs.”

Hence the present O.A is hit by res-judicata and is to be dismissed.

Ordered accordingly. No Costs.

(Dated this the 31st day of January, 2011)


(K. NOORJEHAN)
ADMINISTRATIVE MEMBER

SV