

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

**O.A.No.230/2007
Dated the 4th day of April, 2008**

CORAM :

HON'BLE MR.GEORGE PARACKEN, JUDICIAL MEMBER

K.M.Xavier James.
(Retd. Sci/Engr SE, VSSC)
KP-1/1090, "Goodness",
Mandan Kovil Lane,
Muttada P.O., Paruthipara,
Thiruvananthapuram.

... Applicant

By Advocate Mr.S.M.Prasanth (absent)

V/s

- 1 Union of India
represented by Secretary,
Department of Science and Technology,
represented by its Secretary,
Anusandhan Bhavan,
2, Rafi Marge, New Delhi
- 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.TPM Ibrahim Khan SCGSC

The application having been heard on 04.04.08 the Tribunal on the same day delivered the following




(ORDER)

Hon'ble Mr. George Paracken, Judicial Member

The applicant herein has sought the following relief:-

- i Declare that the applicant is entitled to exercise option to switch over from CPF to GPF in terms of Annexure A-1.
- ii Call for the records leading up to Annexure A-3, A-4 and A-6 and quash the same.
- iii Direct the respondents accept the option exercised by the applicant by Annexure A-2 in terms of Annexure A-1 and grant all consequential benefits that would have accrued to him consequent to the inclusion in the GPF.


2 The brief facts of the case are that the applicant joined the Vikram Sarabhai Space Centre (VSSC for short) of the Indian Space Research Organisation (ISRO for short) as Technical Assistant when it was an autonomous body where the employees were governed by CPF scheme. ISRO became a constituent Organisation of Government of India under Department of Space w.e.f. 1.4.1975 and the scheme of GPF & Pension was introduced to the staff of VSSC/ISRO. The applicant had however, opted for CPF scheme vide Annexure R-1 on 29.11.1976. He remained under the said scheme till his retirement on superannuation from service on 31.8.2002. During the period of his service, he had further opportunities to switch over to the GPF/Pension scheme. Vide OM No.2/10(2)/87-1 (Vol.IV) dated 4.1.1993 (Annexure R-2), the employees covered under the CPF scheme were given a one time opportunity to switch over to GPF/Pension scheme but the applicant did not utilise it. Another opportunity was also offered to the staff of the VSSC/ISRO vide



OM No.2/10(2)/87-I(Vol.V) dated 30.5.1997 (Annexure R-3), so that a uniform scheme to all S&T personnel of the Department of Electronics, Department of Atomic Energy and Department of Space/ISRO Centres/Units is followed. The applicant did not avail himself of this opportunity also. As already stated, he retired from service on 31.8.2002 and received all the terminal benefits as admissible under the relevant rules.

3 The Respondent No.2 has now issued Annexure A-1 OM dated 19.4.2006 by which an option has been given to all S&T personnel who joined service prior to 01.08.1992 and had not completed 20 years of service as on 1.8.92 but had specifically retained the CPF scheme, to switch over from CPF to GPF/Pension scheme. This was done because the S&T personnel, who were in service as on 1.8.1992 and had not completed 20 years of service as on that date were inadvertently not given an option to switch over from CPF to GPF/Pension scheme. The said facility was made available to only those who were in service as on date of the order i.e. 19.4.2006 and those who have retired between 01.08.1992 and 19.4.2006. The S&T personnel, who were covered under the above specific category and have since been retired from service were given the opportunity to exercise the fresh option before 30.6.2006.

4 According to the applicant, the said Annexure A-1 Memorandum was applicable to all those who were in service on 1.8.92 and, therefore, it shall be made applicable to him also as he was in service on 1.8.92 and retired only on 31.8.2002. He has, therefore, submitted his



option on his own in the prescribed format on 15.7.2006 (Annexure A-2). The respondents rejected his option by Annexure A-3 letter dated 12.10.2006 stating that the Department of Space had decided to extend the option to switch over from CPF to GPF/Pension Scheme for only those S&T personnel who had joined service prior to 1.8.92 and not completed 20 years of service as on 30.05.97 but had specifically retained the CPF scheme and admissible to those who are in service and who have retired between 1.8.92 and 19.4.2006. Since the applicant had joined service on 02.09.1968 and already completed 20 years of service on 2.9.1988 itself, he was not coming under the purview of the aforesaid OM and hence not eligible to be considered for option.


5 Aggrieved by the aforesaid order, the Applicant submitted a representation (received by the respondents on 18.10.2006) to the 3rd respondent but the same was rejected vide Annexure A-4 letter dated 20.10.2006 once again informing him that he was not coming under the purview of the Orders of the Department of Space to switch over from CPF to GPF/Pension Scheme and hence not eligible to be considered for option. The applicant made a further representation dated 31.10.2006 (Annexure A-5) to the first respondent and the same was also rejected by the Annexure A-6 letter dated 26.12.2006 citing the same reasons. The applicant has challenged the aforesaid decision of the respondents on the ground that the Annexure A-1 Memorandum entitles him and other similarly placed persons to switch over to the GPF as it provides that the facilities will be admissible to those who are in service as on the date of the



said order and to those who have retired from service between 1.8.92 to 19.4.2006. Further, he submitted that the respondents have allowed all the staff under them to opt to GPF to have a uniform pension scheme for all employees under it and the denial of the same to the applicant to switch over to ther GPF is in violation of the basic idea of common uniform pension scheme for all.

6 In the reply filed by the respondents, they have reiterated the position as maintained by them in Annexure A-3 letter dated 12.10.2006, Annexure A-4 letter dated 20.10.2006 and Annexure A-6 letter dated 26.12.2006. When the matter was taken up for hearing, none was present on behalf of the applicant. I have, therefore, gone through the pleadings of both the parties, available on record. I have also heard Advocate Mr.Shaji VA for MR.TPM Ibrahim Khan SCGSC on behalf of the Respondents.

7 Admittedly, the applicant has retired from service on 31.8.2002. Several opportunities had been given to him to switch over to the GPF/Pension scheme so that a uniform pension scheme is made applicable to all the employees. However, the applicant intensionally did not give any options on all such occasions and desired to be governed under the existing CPF scheme. The Annexure A-1 memorandum dated 8.5.2006 has been issued much after his retirement from service. The purpose of the Annexure A-1 OM was to give an opportunity only to those employees who had joined service prior to 1.8.1992 and not completed 20 years as on that date and who were inadvertantly denied the option to



switch over from CPF to GPF/Pension scheme. 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 19.4.2006 was not applicable to him as the same was restricted to only to those S&T personnel who had joined service prior to 1.8.2002 and not completed 20 years as on 30.5.1997. 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 1.8.92 and had not completed 20 years of service on 30.5.1997 and who were inadvertently denied the options earlier. . Admittedly the applicant had joined service on 2.9.68 and he had already completed 20 years of service on 2.9.1988 itself. The options made available to him to switch over to GPF/Pension scheme has not been utilised by him intensionally 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 OA is dismissed. There shall be no orders as to costs.


GEORGE PARACKEN
JUDICIAL MEMBER

abp