

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.350/04

Friday this the 5th day of August 2005

C O R A M :

HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN.
HON'BLE MR.K.V.SACHIDANANDAN, JUDICIAL MEMBER

1. P.V.Job,
S/o.Varkey,
P.E.T. (Retired),
Kendriya Vidyalaya No.I, Kochi – 4.
Residing at Poothullil House,
Old Railway Road, Ernakulam, Kochi – 18.
2. U.V.George,
S/o.Churian Varkey,
P.E.T (Retired),
Kendriya Vidyalaya, Port Trust, Kochi – 3.
Residing at Plackyil House,
South Paravoor P.O., Udayamperoor,
Ernakulam – 682 320.

...Applicants

(By Advocate Mr.Saji Kuriachan)

Versus

1. Union of India represented by the Under Secretary,
Ministry of Youth Affairs & Sports,
Sasthi Bhavan, New Delhi – 110 001.
2. The Commissioner,
Kendriya Vidyalaya Sangathan,
18, Institutional Area, Shahid Jeet Singh Marg,
New Delhi – 110 016.
3. The Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
I.I.T.Campus, Chennai – 36.

...Respondents

(By Advocate Mr.T.P.M.Ibrahim Khan,SCGSC[R1] & M/s.Iyer & Iyer[R2-3])

This application having been heard on 5th August 2005 the Tribunal on the same day delivered the following :

ORDER

HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN

The two applicants in this OA entered service as National Discipline Scheme Instructors (NDSI for short) under the Ministry of Education and

.2.

Social Welfare and then joined as Physical Education Teachers (PETs for short) in Kendriya Vidyalaya Sangathan. Their claim is for counting the previous service for pension. In the statement filed on behalf of the respondents it is stated that the 2nd applicant has already been granted the benefits and his retirement liabilities have already been decided. In the case of 1st applicant details had been called for from the NDS Directorate (Ministry of Youth Affairs & Sports) and his case would be processed further. The miscellaneous applicant in MA 730/05 has now produced copy of the letter addressed by the Ministry to the NSS Regional Centre dated 24.3.2005 conveying approval of the Ministry for treating the resignation tendered by the applicant as technical one and directing the NSS Regional Centre to return the service book to Pay and Accounts Section for calculation of his pro rata pensionary benefits. Miscellaneous applicants in MA 729/05 have also produced copy of the circular issued by the Kendriya Vidyalaya Sangathan, Head Office to all the Regional Offices conveying their concurrence for taking up the cases of employees who fulfills the conditions prescribed under Government of India instructions and that they may on receipt of acceptance of the service liability from the parent departments finalise the claims for pension.

2. In the light of these documents it is clear that there is no objection from any quarters for allowing the claim of the applicants and the delay is only regarding the procedure and by the agencies who have to furnish the clearance as the claim is admitted only after the parent department accepts the pro rata retirement liabilities. The applicants apprehends that there would be further delay since the department has not yet completed the exercise with reference to the instructions of the Ministry dated 24.3.2005.

83

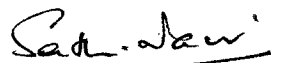
.3.

3. On perusal of the above records we are of the view that there is nothing further to be decided by this Tribunal in this OA and that interest of justice will be met if a direction is given to the authorities to finalise the matter regarding his pro rata retirement benefits by the parent department and consequent finalisation of his pension by the KVS organisation. It is therefore directed that the 1st respondent shall complete the exercise of furnishing the details of the pro rata pensionary benefits of the applicant for the period from 7.2.1962 to 28.2.1971 and accepting pensionary liabilities within a period of one month from the date of receipt of a copy of the order and thereafter the 2nd and 3rd respondents settle the pensionary claims of the applicant within a period of one month. No order as to costs.

(Dated the 5th day of August 2005)



K.V.SACHIDANANDAN
JUDICIAL MEMBER



SATHI NAIR
VICE CHAIRMAN

asp