

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA 391/2005

Tuesday this the 5th day of June, 2007

CORAM

HON'BLE MR. GEORGE PARACKEN, JUDICIAL MEMBER
HON'BLE MR. GAUTAM RAY, ADMINISTRATIVE MEMBER

M.R.Krishnankutty,
Temporary Status Group 'D'
Sub Record Office, Kottayam.

(By Advocate Mr. Siby J Monipally)

V.

1	Union of India, represented by the Chief Postmaster General, Kerala, Trivandrum.	
2	The Senior Superintendent, Railway Mail Service, Trivandrum Division, Trivandrum.	
3	The Head Record Officer, Railway Mail Service, Trivandrum Division, Trivandrum.Respondents

(By Advocate Mr. TPM Ibrahim Khan, SCGSC)

This application having been heard finally on 5.6.2007, the Tribunal on the same day delivered the following:

O R D E R

Hon'ble Mr. George Paracken, Judicial Member

The applicant is aggrieved by the unilateral action of the respondents in stopping deduction of the amount towards General Provident Fund (GPF for short) from his salary from the month of May, 2005. He has, therefore, sought a direction to the respondents to deduct his contribution towards

GPF from his salary.

2 The facts as stated by the applicant in the O.A are that he was engaged as a Part Time Casual Labourer with the Railway Mail Service with effect from 26.7.1984. He was granted the status of a Full Time Casual Labourer with effect from 5.8.98 and temporary status with effect from 25.4.1999. As a benefit admissible to the casual labourers with temporary status, he was given the regular scale of pay. The employees' contribution towards the GPF was also being deducted from his salary from the month of April. 2005. However, without any notice to the applicant, the respondents stopped the deduction to the GPF from the salary for the month of May, 2005.

3 The respondents in their reply have submitted that the applicant is presently working as a Group 'D' Mail Man with temporary status at SRO, Kottayam. The scheme for grant of temporary status and regularization of Casual Workers in Central Government Offices was formulated in pursuance to an order of this Tribunal dated 16.2.1990 in the case of Rajkamal and others Vs. Union of India and others. In terms of the said Scheme, the DG, Posts vide letter No.45-95/87 SPB-I dated 12.4.1991 ordered that casual labourers with temporary status was to be treated on par with temporary Group 'D' employees for the purpose of contribution to General Provident Fund. Accordingly, the applicant has been admitted to the GPF Scheme from 2005. The Government of India have introduced the new Pension Scheme in respect of persons appointed to Central Government services on or after 1.1.2004 vide Government of India, Ministry of Personnel, Public Grievances and Pension, Department of Personnel and Training OM No.49014/1/2004-Estt(C) dated 26.4.2004

(Annexure.R1). The Government have also introduced a new Defined Contributory Pension Scheme revising the existing system of Defined Benefit Pension System vide Government of India, Ministry of Finance, Department of Economic Affairs notification dated 22.12.2003 (Annexure.R.2). As per the said notification the existing provision of Defined Benefit Pension System and General Provident Fund would not be available to new Government servants joining service on or after 1.1.2004. This has been followed by the Government of India, Ministry of Finance OM No.1(7)2/2003/TA/19 dated 14.1.2004 and in para 10(e) of the same, it has been stated that no deduction will be made towards GPF contribution from the Government Servants joining the service on or after 1.1.2004 as the GPF Scheme is not applicable to them.

4 We have heard Advocate Mr.Siby J Monippally for the applicant and Shri TPM Ibrahim Khan, SCGSC for the respondents. It is purely a matter of policy of the government to regulate the pension scheme and related issues. So long as no infringement of any fundamental right is shown, the Courts/Tribunals will not have any occasion to interfere in such matter as already held by the Apex Court in State of Orissa Vs. Gopinath Dash and others, ATJ 2006(3) 160. It was in terms of the scheme for temporary status introduced by the Government of India in 1990 certain benefits like contribution towards GPF etc. have been extended to casual labourers with temporary status. This has been modified by the new pension scheme and the benefit of contribution towards GPF by the casual labourers with temporary status has been withdrawn. It is not the case of the applicant that any of his fundamental rights have been violated by the respondents by not extending the benefit

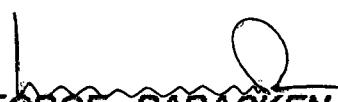
of GPF Scheme to him after the introduction of the new pension scheme. The applicant has also not challenged the new pension scheme introduced by the Government of India and the modification of the scheme for grant of temporary status to casual laborers.

5 In the above facts and circumstances of the case, we do not find any merit in the present OA and therefore, the same is dismissed. There shall be no order as to costs.

Dated this the 5th day of June, 2007



GAUTAM RAY
ADMINISTRATIVE MEMBER



GEORGE PARACKEN
JUDICIAL MEMBER

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