

**THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR
ORDER SHEET**

ORDERS OF THE TRIBUNAL

06.04.2009

OA No. 37/2008 with MA 36/2009

Mr. P.N. Jatti, Counsel for applicant.

Mr. Tej Prakash Sharma, Counsel for respondents.

Heard learned counsel for the parties.

For the reasons dictated separately, the OA as well as
MA are disposed of.


(B.L. KHATRI)
MEMBER (A)

AHQ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 06th day of April, 2009

ORIGINAL APPLICATION NO. 37/2008

With

Misc. Application No. 36/2009

CORAM:

HON'BLE MR. B.L. KHATRI, ADMINISTRATIVE MEMBER

Dr. Praveen Kumar Mittal son of Shri S.D. Mittal by caste Mittal, resident of 71, Ambawadi, Jaipur. Presently working as Doctor in the Dispensary No. 4, CGHS, Jaipur.

.....APPLICANT

(By Advocate: Mr. P.N. Jatti)

VERSUS

1. The Director employees State Insurance Corporation HQS Office, Panchdeep Bhawan, CLG Road, New Delhi.
2. The Joint Director (Finance) Employees State Insurance Corporation HQS Office, Panchdeep Bhawan, New Delhi.
3. The Regional Director, Employees State Insurance Corporation, Panchdeep Bhawan, Bhawani Singh Road, Jaipur.

.....RESPONDENTS

(By Advocate : Mr. Tej Prakash Sharma)

ORDER (ORAL)

This OA is filed against the intimation dated 22.09.2006 (Annexure A/1) for non refund of contribution under New Pension Scheme.

2. Brief facts of the case are the applicant was appointed as IMO Grade II, ESI Model Hospital, Jaipur and he joined his duties on 19.03.2004. The Central Government introduced a new pension scheme for the incumbents appointed on or after 01.01.2004 known as 'Contributory Pension Scheme.' The applicant had been allotted Permanent Pension Account No. 2004/2/152/0001. The applicant had been regularly contributing towards this New Pension Scheme Fund. Subsequently, the applicant had resigned from the service of IMO Grade II and his resignation was accepted by the competent authority vide

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order dated 30.06.2005 (Annexure A/4). The applicant had contributed a total amount of Rs.28,381/- towards this New Pension Scheme. After his resignation, he had been continuously pursuing the matter with the respondents for refund of this amount. The respondents had intimated that Government of India had not yet notified the provision regarding refund of terminal benefits in the event of employee leaving the service during the intervening period.

3. Notice of this application was given to the respondents who have submitted in the reply that the matter had been referred for clarification. Now the Ministry of Finance, Department of Economic Affairs vide U.O. Note No. 5(12)/2004-ECB & PR dated 26.02.2008 has stated that in case of government servant who have resigned etc., the procedural details are being worked out by High Level Task Force formed under the Chairmanship of Secretary, Department of Personnel.

4. After hearing the rival submission and perusal of record, the respondents are directed to take up the matter with the concerned Ministry for early decision in the matter. The decision in this matter should be taken within a period of three months from the date of issue of this order. In case the applicant is aggrieved by the order to be passed by the respondents, he may again approach this Tribunal.

5. With these observations, the OA is disposed of with no order as to costs.

6. In view of the order passed in the OA, no order is required to be passed in the MA, the same is also disposed of accordingly.


(B.L. KHATRI)
MEMBER (A)

AHQ