

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 23rd day of February, 2010

ORIGINAL APPLICATION NO. 99/2010

CORAM:

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER
HON'BLE MR. B.L. KHATRI, ADMINISTRATIVE MEMBER

Dr. Harish Chand Jain son of Late Shri B.L. Jain, aged about 65 years, resident of 264, Saket Colony, Vaishali Nagar, Ajmer. Retired from Regional Institute of Education, Pushkar Road, Jaipur.

.....APPLICANT

(By Advocate: Mr. Sunil Kumar Singh)

VERSUS

1. Union of India through National Council of Education Research & Training, Sr. Aurobindo Marg, New Delhi through its Secretary.
2. Principal, Regional Institute of Education, Pushkar Road, Ajmer (Rajasthan).

.....RESPONDENTS

(By Advocate: -----)

ORDER (ORAL)

This is the second round of litigation. Earlier the applicant had filed OA No. 457/2010, which was disposed of vide order dated 13.01.2010 with liberty reserved to the applicant to file substantive OA for the same cause of action. In this OA, the applicant has prayed for the following reliefs:-

- (i) That the respondent may be directed to grant the GPF and Pension after taking into consideration the past services of the applicant in NCERT w.e.f. 23.10.69 as they have done in the case of DR. R.s. Kashyap and N.C. Dhotia.
- (ii) Any other relief which this Hon'ble Tribunal may deem fit."

2. The contention as raised by the applicant in this OA is that no doubt the respondents have formulated the Scheme where option of switching over the Pension Scheme was given to the employees, who were under the Provident Fund Scheme and pursuant to that option, the applicant had opted for PF Scheme but subsequently the respondents have framed the rule whereby a person can exercise option from the date of appointment. The case of the applicant is that he was appointed as Professor in Science Education in the year 2001 and in terms of the aforesaid rule, he was entitled to exercise fresh option after his appointment in the year 2001. It is on this basis, the applicant is claiming that he has a right for switching over to GPF Scheme.

3. From the material placed on record, it is evident that applicant has filed representation dated 18.01.2010 to the Secretary, National Council of Educational Research & Training, New Delhi, respondent no. 1, which is still pending.

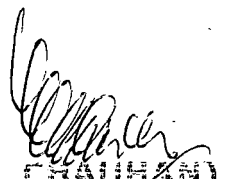
4. Learned counsel for the applicant submits that he will be satisfied at this stage if the direction is given to respondent no. 1 to decide the representation of the applicant 18.01.2010 (Annexure A/2) within the specified period.

5. In view of what has been stated above and without going into merit of the case, we are of the view that it will be in the interest of justice if the direction is given to respondent no. 1 to decide the representation of the applicant dated 18.01.2010 (Annexure A/2).

Accordingly, respondent no. 1 is directed to decide the representation of the applicant dated 18.01.2010 (Annexure A/2) within a period of three months from the date of receipt of a copy of this order. It is made clear that such consideration will be without any prejudice to any contention relating to limitation or delay and latches. In other words, the directions to consider the representation as given above may not be construed that this Tribunal has condoned the delay and question of delay and latches can still ^{u be} gone into by the respondents no. 1 while considering the representation of the applicant. In case the applicant is still aggrieved, it will be open for him to file substantive OA, which will be considered in accordance with law.

6. With these observations, the OA is disposed of at admission stage with no order as to costs.


(B.L. KHATRI)
MEMBER (A)


(M.L. CRAHAN)
MEMBER (J)

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