

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI**

**OA No.2043/2017
MA No.2235/2017**

New Delhi, this the 2nd day of June, 2017

Hon'ble Mr. V. Ajay Kumar, Member (J)

1. Dr. Anand Pal Singh
Aged about 48 years
S/o Shri D.R.Singh
R/o B-6, Sector 9, Vijay Nagar
Ghaziabad (U.P.).
2. Dr. Rohit Rathore
Aged about 38 years
S/o Shri Y.K.S.Rathore
R/o G-602, 6th Floor
Signature view Apartments
Mukherjee Nagar, Delhi.
3. Dr. Sunil Kumar Gautam
Aged about 42 years
S/o Shri Bholi Prasad Gautam
R/o E-32A, MIG Flats, Vatika Apartment
Mayapuri, New Delhi – 110 064.
4. Dr. Sunita Rani
Aged about 48 years
W/o Dr. Pareshkumar C. Dave
R/o Flat No.A-303, Dharam CGHS Society
Plot No.18, Sector 18 A
Dwarka, New Delhi.
5. Susanta Das
Aged about 43 years
S/o Shri Madhab Das
R/o Flat No.171, Kautilya Apartment
Sector 14, Pocket-B
Dwarka, New Delhi.
All presently posted as :-
Assistant Controller of Patents and Designs
Patent Office, Boudhik Sampada Bhawan
Plot No.32, Sector-14, Dwarka
New Delhi – 110 075. Applicants
(By Advocate:Shri L.K.Singh)

VERSUS

1. Union of India
Department of Industrial Policy and Promotion

Ministry of Commerce and Industry
 Through its Secretary
 Udyog Bhawan, New Delhi.

2. Union of India
 Office of the Controller General of Patents,
 Designs & Trade Marks
 Through its Controller General of Patents
 Designs & Trade Marks
 Old C.G.O. Building
 101, M.K.Road, Mumbai – 400 020.
3. Union of India
 Ministry of Commerce & Industry
 Through its, Head of Office
 Patent Office, Delhi
 Boudhik Sampada Bhawan
 Plot No.32, Sector 14
 Dwarka, New Delhi – 110 075.
4. Office of the Controller General of Patents,
 Designs & Trade Marks
 Through its Pay & Accounts Officer
 Patents, Designs & Trade Marks
 Old, C.G.O. Building
 101, M.K.Road, Mumbai – 400 020. Respondents.

(By Advocate:Shri Yogesh Mahur for Shri Gyanender Singh)

ORDER (ORAL)

MA No.2235/2017

MA No.2235/2017, filed for joining together, is allowed.

OA No.2043/2017

2. Heard Shri L.K.Singh, counsel for the applicant and Shri Yogesh Mahur learned counsel appearing for Shri Gyanender Singh, on receipt of advance notice on behalf of the respondents.
2. The applicants, who are working as Assistant Controller of Patents & Designs, filed the present OA seeking the following reliefs :-

"(a) Declare that the applicants stood provisionally/notionally appointed prior to 31.12.2003 and specifically from the dates when junior to them were appointed and joined service in the grade of Examiner of Patents & Designs in 2003 (i.e. the applicant No.1 and 3 w.e.f.30.07.2003, the

applicant No.2 and 4 w.e.f.16.07.2003 and the applicant No.5 w.e.f.04.08.2003).

- (b) Declare that the applicants are entitled to benefit under the "Old Pension Scheme" and to be treated at par with their batch mate who were selected and appointed as Examiner of Patents & Designs under the same recruitment process carried out and completed in 2003 and who have been given the benefit of the "Old Pension Scheme" though being junior to the applicants as per the seniority list.
- (c) Direct the respondents to issue clarificatory orders/directions to the effect that the applicants would be construed and held to have been provisionally and notionally appointed in the year-2003 and on the date when their junior were appointed and joined duty in the year-2003 on the post of Examiner of Patents & Designs (i.e. the applicant No.1 and 3 w.e.f.30.07.2003, the applicant No.2 and 4 w.e.f.16.07.2003 and the applicant No.5 w.e.f.04.08.2003) in terms of the seniority list prepared by the respondents in respect of all the candidates who were selected for appointment to the post of Examiner of Patents & Designs through the recruitment process conducted and completed by Ed.CIL as on 28.03.2003.
- (d) Direct the respondents to issue clarificatory orders/directions to the effect that the applicants are entitled for the benefit under the "Old Pension Scheme" and their pensionary benefits upon their superannuation would be governed as per the "Old Pension Scheme of 1972."

4. It is submitted that the applicants have made number of representations including Annexure A-9 (colly.) representation dated 27.03.2017 ventilating their grievances to the respondents, however, the respondents have not passed any order thereon till date.

5. In the circumstances, the OA is disposed of, at the admission stage, without going into the merits of the case, by directing the respondents to consider the aforesaid Annexure A-9 (colly.) representation dated 27.03.2017 of the applicants and pass appropriate reasoned and speaking order within 90 days from the date of receipt of a copy of this order, in accordance with law. No costs.

Let a copy of the OA, be enclosed to this order.

(V. Ajay Kumar)
Member (J)

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