

**Central Administrative Tribunal
Principal Bench, New Delhi**

OA No.2963 of 2015

This the 12th day of August, 2015

Hon'ble Mr. G.George Paracken, Member (J)
Hon'ble Mr. Shekhar Agarwal, Member (A)

Sh. Zila Singh,
Aged about 63 years,
S/o Sh. Buchha Singh,
R/o 23, Dev Rishi Enclave,
Lane-3, Dehra Khas, Dehradun
(Retired as PGT (Physics), KVS).

...Applicant

(By Advocate: Shri S.K. Gupta)

Versus

1. The Commissioner,
Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi-110016.
2. Joint Commissioner (Finance)
Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi-110016.

...Respondents

ORDER (ORAL)

SHRI G. GEORGE PARACKEN, MEMBER (J) :

In this Original Application, the applicant has sought a direction to the respondents to consider his case for extension of benefit of pension scheme in the light of the order of the Ernakulam Bench of this Tribunal as affirmed by the Hon'ble High Court of Kerala and thereafter followed by this Tribunal vide order dated 25.03.2014 in the case of **Santosh Kumar Verma and Usha Rani Singh and others.**

2. It is seen that the Ernakulam Bench in the case of ***Jhonson P. Jhonson Vs. Registrar, Commissioner and Ors.*** has passed the following directions :-

“8. In view of the above, the OA succeeds. It is declared that the applicant is covered only by the GPF cum Pension Scheme. His CPF account shall be converted into G.P.F. Account and the extent of employer’s contribution at the credit of the CPF account including the interest element for the said amount shall be deducted from the total credit balance reflected in the G.P.F. account of the applicant. There shall be a pre-audit in this regard and statement of GPF account should be made available to the applicant. In the service book/Personal file of the applicant the details of the applicant’s entitlement to GPF and Pension Scheme shall be conspicuously reflected so that in future, no confusion shall arise. The applicant be informed of the action taken in this regard.

9. This order shall be complied with, within a period of six months from the date of communication of this order. However, the GPF subscription as per the Rule shall be deducted from the salary of the applicant from the ensuing financial year, i.e., from the pay for the month of April, 2012 onwards.”

3. The aforesaid order has been affirmed by the Hon’ble High Court vide order dated 13.08.2013.

4. Later on, this Tribunal has also passed a similar orders in O.A Nos. 1027/2014 and 1039/2014 and the operative part of the said order reads as under :-

“3. The aforesaid order has been upheld by the Honble High Court of Kerala at Ernakulam vide OP (CAT) No.597/2013(z) - The Deputy Commissioner, Kendriya Vidyalaya Sangathan v. Johnson P. John vide judgment dated 13.08.2013. The

relevant part of the said judgment is also reproduced as under:-

8. For the aforesaid reasons, we find abundant substance in the conclusions arrived at by the learned Tribunal in the impugned Ext.P4 order. The further directions given in paragraphs 8 and 9 of the impugned order as to how the remittances have to be reckoned and as to how the contributions have to be adjusted or recovered give no further room for any grievance for KVS. For the aforesaid reasons this original petition fails.

In the result, this original petition is dismissed. We dissuade ourselves from imposing any order of costs taking into consideration the request made by the learned counsel for the petitioner-KVS, in that behalf, to which the respondent appearing in person, has very politely and magnanimously expressed no resentment. Since the party is appearing in person, the office will communicate certified copy to the address that he may give along with a memo and copy of application paying the requisite stamps for the certified copy. The communication will be sent at State expense.

4. Shri Rajeev Kumar, learned counsel appeared in this matter on behalf of the respondents.

5. In our view, considering the submissions made by the learned counsel for the applicant and the documents available on record, these cases can be disposed of at the admission stage itself. Accordingly, we direct the respondents to consider the cases of the applicants in these OAs in the light of the aforesaid order of Ernakulam Bench of the Tribunal as upheld by the Honble High Court of Kerala at Ernakulam. They shall also convey the decision taken in the matter to the applicants within a period of two months from the date of receipt of a copy of this order. There shall be no order as to costs.”

5. In view of the above position, we direct the respondents to consider the case of the applicant in the light of the aforesaid orders/judgment within a period of two months from the date of receipt of a copy of this order. If the applicant's case is found to be covered by the aforesaid orders/judgment, he shall also be extended the same benefits. The Registry shall also send a copy of this O.A to the respondents along with this order.

6. With the above directions, this O.A is disposed of. There shall be no order as to costs.

(SHEKHAR AGARWAL)
MEMBER (A)

(G. GEORGE PARACKEN)
MEMBER (J)

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