

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

O.A. No.4451/2015

Monday, this the 3rd day of July 2017

Hon'ble Mr. K.N. Shrivastava, Member (A)

D R S Chauhan, aged 59 years
s/o late Mr. Ram Kumar Singh
Principal (Retired) from KVS
r/o HIG 1/51, Avas Vikas Colony
Bareilly More, Shahjahanpur (UP)

..Applicant

(Mr. Yogesh Sharma, Advocate)

Versus

1. Union of India through the Secretary
Ministry of Human Resources Development
Shastri Bhawan, New Delhi
2. The Secretary
Ministry of Finance, Department of Expenditure
Govt. of India, North Block, New Delhi
3. Kendriya Vidyalaya Sangathan
Through the Commissioner
18, Institutional Area, Shahzed Jeet Singh Marg
New Delhi
4. The Finance Officer
Kendriya Vidyalaya Sangathan
18, Institutional Area, Shahzed Jeet Singh Marg
New Delhi – 110 0 16

..Respondents

(Mr. Naveen Kumar Yadav for Mr. G D Sharma, Advocate for respondent
Nos. 1 & 2 and Mr. S Rajappa, Advocate for respondent Nos.3 & 4)

O R D E R (ORAL)

Through the medium of this O.A., filed under Section 19 of the
Administrative Tribunals Act, 1985, the applicant has prayed for the
following main relief:-

“(i) That the Hon’ble Tribunal may further graciously be pleased to pass an order of quashing the impugned order dated 12.10.2015 (A/1), order dated 7.4.2015 (A/2) and order dated 5.5.2015 (Annex. A/3), declaring to the effect that the whole action of the respondents applying the CPF Scheme on the applicant on his fresh appointment as Principal in 2000 is void-ab-initio as in 2000 CPF Scheme was not in operation for fresh appointment and consequently pass an order directing the respondents to treat the applicant as governed by GPF cum pension scheme from the date of fresh appointment to the post of Principal with all consequential benefits.”

2. Brief facts of the case are as under:-

2.1 The applicant joined as a Post Graduate Teacher (PGT) in Kendriya Vidyalaya Sangathan (KVS) on 15.11.1985. He was promoted as a Principal vide Annexure A/7 order dated 29.05.2001 of KVS. His name figures at Sl. No.66 in the list of the Principals, who were earlier working on deputation basis against temporary posts of Principal in KVS and who, by virtue of the said order, have been appointed as Principals in substantive capacity.

2.2 The Central Government, accepting the recommendations of 4th Central Pay Commission (CPC), decided to implement GPF-cum-Pension Scheme (‘Pension Scheme’ in short). Vide Department of Pension & Pensioners’ Welfare O.M. No.4/1/87-P.I. C-I dated 01.05.1987, the Pension Scheme replaced the Contributory Provident Fund (CPF) Scheme, which was applicable to the Central Government employees earlier. The Scheme, *inter alia*, stipulated as under:-

“3.1 All CPF beneficiaries, who were in service on 1st January, 1986, and who are still in service on the date of issue of these orders viz., 1st May, 1987) will be deemed to have come over to the Pension Scheme.”

The grievance of the applicant is that he is entitled to the Pension Scheme but the respondents have not extended the benefits of said Scheme to him.

2.3 The respondents, vide impugned Annexure A/1 memorandum 12.10.2015, have rejected the claim of the applicant. The reason given in the impugned memorandum is that the applicant had opted to continue in CPF Scheme in response to the KVS O.M. dated 01.09.1988, and as such will continue to be covered under CPF Scheme only and his request for conversion from CPF to GPF-cum-Pension Scheme cannot be acceded to.

Aggrieved by the impugned Annexure A/1 order 12.10.2015, the applicant has filed the present O.A. praying for the reliefs, as indicated in paragraph (1) supra.

3. When the case was taken up for hearing the arguments of the parties today, learned counsel appearing for both sides were *ad idem* that the case of the applicant is squarely covered by the judgment of this Tribunal in **Hoshiar Singh v. Union of India & others** (O.A. No.3112/2013) decided on 19.09.2016. The facts in the said case, as mentioned in O.A. No.4592/2015 with connected cases, decided on 15.05.2017), are briefly as under:-

“4. The main issue raised in these OAs has been dealt with by this Tribunal in OA No.3112/2013 vide order dated 19.09.2016 in the case of Hoshiar Singh v. Union of India & Others. The applicant Shri Hoshiar Singh in that OA was initially appointed as a PRT on 21.09.1979 in KVS through direct recruitment. Later on, again through direct recruitment, he was appointed as TGT (Maths) on 20.07.1981 and thereafter yet again through direct recruitment as PGT (Maths) on deputation basis and finally retired from KVS in that capacity. As he was not given the benefits of GPF-cum-Pension Scheme, he filed the *ibid* OA, praying for the following main relief:

“(2) That the Hon’ble Tribunal may further graciously be pleased to pass an order declaring to the effect that the whole action of the respondents applying the CPF Scheme on the applicant on his fresh appointment as Principal in 2002 is void-ab-initio as in 2002 CPF Scheme was not in operation for fresh appointment and consequently pass an order directing the respondents to treat the applicant as governed by GPF cum pension scheme from the date of fresh appointment to the post of Principal with all consequential benefits.”

4. O.A. No.3112/2013 filed by Hoshiar Singh was disposed of by the Tribunal vide order dated 19.09.2016; the operative part of which reads:-

“10. In view of the discussions in the foregoing paras and for the reasons given therein, the OA is allowed. The respondents are directed to extend the benefits of the Pension Scheme to the applicant considering his appointment as Principal on direct recruitment basis w.e.f. 14.08.2002. This shall be done within a period of three months from the date of receipt of a certified copy of this order. It is also made clear that the applicant shall not be entitled to any interest on the arrears of the pension payable to him.”

5. In the circumstances, I accept the contention of learned counsel for the parties that the present case is squarely covered by the decision of this Tribunal in **Hoshiar Singh** (supra), and hence this O.A. is allowed in terms of the said judgment. No order as to costs.

(K.N. Shrivastava)
Member (A)

July 3, 2017
/sunil/