

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A. No.4592/2015
With
O.A. No.0019/2016
O.A. No.3075/2015
O.A. No.3081/2015
O.A. No.3100/2015
O.A. No.3951/2015
O.A. No.3980/2015 &
O.A. No.4593/2015

New Delhi this the 15th day of May, 2017

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

O.A. No.4592/2015

Vijay Kumar Malik, Aged 58 years,
S/o Shri R.K. Malik,
Working as Principal in KVS
Presently posted in Kendriya Vidyalaya, EME,
Baroda (Gujrat)
R/o A/4, Paramdham Soc. New VIP Road,
Baroda (Guj)

-Applicant

(By Advocate: Shri Yogesh Sharma)

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, Shaheed Jeet Singh Marg,
New Delhi.
4. The Finance Officer,
Kendriya Vidyalaya Sangathan,
18, Institutional Area, Shaheed Jeet Singh Marg,

O.A. No.4592/2015
 With
 O.A. No.0019/2016
 O.A. No.3075/2015
 O.A. No.3081/2015
 O.A. No.3100/2015
 O.A. No.3951/2015
 O.A. No.3980/2015 &
 O.A. No.4593/2015

New Delhi-110016.

-Respondents

(By Advocate: Shri S. Rajappa and Dr. Puran Chand)

OA No.19/2016

Kamla Joshi
 Aged 60 years
 D/o Late J.B. Joshi
 R/o H. No.510 (Joshi Complex)
 Sadar Bazar, Ranikhet
 Distt-Almora
 Uttrakhand

-Applicant

(By Advocate: Shri C.M. Jayakumar)

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

(By Advocate: Shri S. Rajappa and Dr. Puran Chand)

OA No.3075/2015

Sandhya Rastogi (Retd. Dy. Commissioner, KVS)
 W/o Shri Bhartendra Vir Rastogi,
 DOB: 28.03.1952 (Aged about 63 years),
 Presently residing at Flat CP-4,
 Amrapali Green, Vaibhav Khand,
 Indirapuram, Ghaziabad-201014, U.P.

-Applicant

(By Advocate: Mr. Satyendra Kumar)

O.A. No.4592/2015
 With
 O.A. No.0019/2016
 O.A. No.3075/2015
 O.A. No.3081/2015
 O.A. No.3100/2015
 O.A. No.3951/2015
 O.A. No.3980/2015 &
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Versus

1. Union of India, through
 The Secretary,
 Ministry of Human Resources Development,
 Shastri Bhawan, New Delhi-110001.
2. Kendriya Vidyalaya Sangathan,
 18, Institutional Area,
 Shaheed Jeet Singh Marg,
 New Delhi
 (Through: The Commissioner)
3. The Joint Commissioner (Finance),
 Kendriya Vidyalaya Sangathan,
 18, Institutional Area,
 Shaheed Jeet Singh Marg,
 New Delhi

-Respondents

(By Advocate: Dr. Puran Chand for Mr. S. Rajappa for R-2 and R-3
 None for R-1)

OA No.3081/2015

Sudhakar Singh, aged 58 years,
 s/o Late Shri B.N. Singh,
 working as Principal in K.V. Sangathan,
 Posted in K.V. Kankarbagh, Patna,
 r/o K.V. Residence complex, Kankarbagh,
 Patna.

-Applicant

(By Advocate: Shri Yogesh Sharma)

Versus

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2. The Secretary,
 Ministry of Finance, Department of Expenditure,
 Govt. of India, North Block, New Delhi

O.A. No.4592/2015
 With
 O.A. No.0019/2016
 O.A. No.3075/2015
 O.A. No.3081/2015
 O.A. No.3100/2015
 O.A. No.3951/2015
 O.A. No.3980/2015 &
 O.A. No.4593/2015

3. Kendriya Vidyalaya Sangathan,
 Through the Commissioner,
 18, Institutional Area, Shaheed Jeet Singh Marg,
 New Delhi.
4. The Finance Officer,
 Kendriya Vidyalaya Sangathan,
 18, Institutional Area, Shaheed Jeet Singh Marg,
 New Delhi-110016.

-Respondents

(By Advocate: Shri S. Rajappa and Dr. Puran Chand)

OA No.3951/2015

Sudarshan Kumar Verma, Aged 68 Years,
 S/o Shri Jawala Dass Verma,
 Retired as Principal from Kendriya Vidyalaya Sangathan,
 R/o 906 GHB Complex, Ankur Road,
 Naranpura, Ahmedabad-380013.

-Applicant

(By Advocate: Shri Yogesh Sharma)

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,
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 New Delhi.
4. The Finance Officer,
 Kendriya Vidyalaya Sangathan,
 18, Institutional Area, Shaheed Jeet Singh Marg,
 New Delhi-110016.

-Respondents

(By Advocate: Shri S. Rajappa and Dr. Puran Chand)

O.A. No.4592/2015
 With
 O.A. No.0019/2016
 O.A. No.3075/2015
 O.A. No.3081/2015
 O.A. No.3100/2015
 O.A. No.3951/2015
 O.A. No.3980/2015 &
 O.A. No.4593/2015

OA No.3100/2015

Ranjan Kishore, aged 58 years,
 s/o Late Sh. Siya Saran Verma,
 working as Principal in K.V. Sangathan,
 Posted in K.V. No.1, Dhanbad
 r/o K.V. No.1, Dhanbad.

-Applicant

(By Advocate: Shri Yogesh Sharma)

Versus

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 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
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 18, Institutional Area, Shaheed Jeet Singh Marg,
 New Delhi.
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 New Delhi-110016.

-Respondents

(By Advocate: Shri S. Rajappa and Dr. Puran Chand)

OA No.3980/2015

Dev Dutta Prasad, aged 57 years,
 s/o Shri Jang Bahadur Prasad,
 working as PGT (Hindi) in K.V. Sangathan,
 Posted in K.V. Khagaria, Patna Region,
 r/o c/o Sh. Pardeep Kr. Pandit,
 Sarvodaya Nagar, Near Home Guard Office,
 Post Koshi College, Khagaria (Bihar).

-Applicant

(By Advocate: Shri Yogesh Sharma)

O.A. No.4592/2015
 With
 O.A. No.0019/2016
 O.A. No.3075/2015
 O.A. No.3081/2015
 O.A. No.3100/2015
 O.A. No.3951/2015
 O.A. No.3980/2015 &
 O.A. No.4593/2015

Versus

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 18, Institutional Area, Shaheed Jeet Singh Marg,
 New Delhi.
4. The Finance Officer,
 Kendriya Vidyalaya Sangathan,
 18, Institutional Area, Shaheed Jeet Singh Marg,
 New Delhi-110016.

-Respondents

(By Advocate: Shri S. Rajappa and Dr. Puran Chand)

OA No.4593/2015

Gauri Shanker Verma, Aged 56 Years,
 S/o Shri Lallan Babu Verma,
 Working as P.G.T. (Bio) in KVS
 Presently posted in Kendriya Vidyalaya No.2,
 EME, Vadodara-22.
 R/o B-11, Swastik Sec Ajwa Road,
 Behind Parivar Vidyalaya, Vadodara-390019.

-Applicant

(By Advocate: Shri Yogesh Sharma)

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

O.A. No.4592/2015
 With
 O.A. No.0019/2016
 O.A. No.3075/2015
 O.A. No.3081/2015
 O.A. No.3100/2015
 O.A. No.3951/2015
 O.A. No.3980/2015 &
 O.A. No.4593/2015

3. Kendriya Vidyalaya Sangathan,
 Through the Commissioner,
 18, Institutional Area, Shaheed Jeet Singh Marg,
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4. The Finance Officer,
 Kendriya Vidyalaya Sangathan,
 18, Institutional Area, Shaheed Jeet Singh Marg,
 New Delhi-110016.

-Respondents

(By Advocate: Shri S. Rajappa and Dr. Puran Chand)

O R D E R (ORAL)

O.A. No.4592/2015

As common questions of law and facts are involved, with the consent of both the parties, I proceed to dispose them of through this common order.

2. Brief facts of the respective cases are as under:

2.1 The applicant joined Kendriya Vidyalaya Sangathan (KVS) on 20.07.1979 as a Primary Teacher (PRT) on 20.07.1979. He was subsequently appointed as Trained Graduate Teacher (TGT) (Bio) on direct recruitment basis w.e.f. 16.10.1982. He was later on appointed to the post of Post Graduate Teacher (PGT) (Hindi) w.e.f. 14.08.1987 and finally as Principal on 05.07.2002 on direct recruitment.

O.A. No.4592/2015
 With
 O.A. No.0019/2016
 O.A. No.3075/2015
 O.A. No.3081/2015
 O.A. No.3100/2015
 O.A. No.3951/2015
 O.A. No.3980/2015 &
 O.A. No.4593/2015

2.2 In the year 1985 as per the Govt. of India decision, options were invited from all the Government servants to the effect whether they want to join the General Provident Fund (GPF)-cum-Pension Scheme or continue under the Contributory Provident Fund (CPF) Scheme. Pertinent to mention that at the relevant time the applicant was working as TGT under the CPF scheme but no option was submitted by him to continue under the CPF scheme.

OA No.19/2016

2.3 The applicant joined KVS through direct recruitment in the year 1983 as PRT and thereafter was appointed to the post of SUPW in 1994 through direct recruitment. During that time the applicant had opted for the CPF Scheme. On 31.12.1991 she was freshly appointed through direct recruitment to the post of PGT (Economics). She successfully completed the probation period of two years. At that time she did not exercise any option for the CPF or GPF cum Pension scheme as the CPF scheme stood abolished w.e.f 31.12.1985. However, the respondents continued to cover the applicant in the CPF scheme on the ground that she had earlier opted for the CPF scheme. The applicant retired on attaining the age of superannuation on 31.07.2015 as PGT (Economics).

OA No.3075/2015

2.4 The applicant initially joined KVS as TGT on 07.07.1978 and put under the CPF Scheme. Thereafter she was selected and appointed for the post of PGT (Physics). Finally, she was selected and appointed to the post of Principal vide order dated 11/18.11.1996 through open advertisement, on direct recruitment basis, w.e.f. 15.1.1997.

OA No.3081/2015

2.5 The applicant initially joined KVS as TGT (Maths) on 19.03.1985. Subsequently he was appointed as PGT (Maths) on direct recruitment basis w.e.f. 29.03.1990. Finally the applicant was appointed to the post of Principal on 26.07.2002 on direct recruitment basis.

OA No.3951/2015

2.6 The applicant initially joined KVS as PGT on 29.08.1981. Subsequently, he was appointed as Principal on direct recruitment basis w.e.f. 22.09.1993.

OA No.3100/2015

2.7 The applicant initially joined KVS as PGT on 26.08.1985. Subsequently he was appointed as Principal on 07.07.2001 on direct recruitment basis.

O.A. No.4592/2015
 With
 O.A. No.0019/2016
 O.A. No.3075/2015
 O.A. No.3081/2015
 O.A. No.3100/2015
 O.A. No.3951/2015
 O.A. No.3980/2015 &
 O.A. No.4593/2015

OA No.3980/2015

2.8 The applicant initially joined KVS on 27.08.1979. Thereafter he was appointed as TGT (Hindi) on direct recruitment basis w.e.f. 30.09.1993. He was further appointed to the post of PGT (Hindi) on 09.02.1994 on direct recruitment basis.

OA No.4593/2015

2.9 The applicant initially joined KVS as a PRT on 29.08.1983. Subsequently, he was appointed as TGT (Biology) on direct recruitment basis w.e.f. 12.03.1986.

3. Prior to 01.01.1986, the Central Provident Fund (CPF) Scheme was in vogue in the respondent organization-KVS. With Effect from 01.10.1996 KVS implemented General Provident Fund (GPF)-cum-Pension Scheme. As per the brief facts extracted from these OAs at para-2 supra, it could be noticed that all these applicants were appointed to different posts in KVS prior to 01.01.1986 and thereafter they secured new appointments on direct recruitment basis in KVS. Although KVS in the year 1985 as per Government of India's decision had given option to the appointees prior to 01.01.1986 to either opt for continuing in the CPF Scheme or choose GPF-cum-Pension Scheme after it had implemented the GPF-cum-Pension Scheme w.e.f 01.01.1986, these applicants did not submit their specific options. Consequently, KVS has continued them

under the CPF Scheme. The main prayer made in all these OAs by the applicants is that since they had secured fresh appointments after 01.01.1986 when KVS had already implemented GPF-cum-Pension Scheme, they should be given benefits of the GPF-cum-Pension Scheme.

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 be 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.”

5. The Tribunal disposed of tie *ibid* OA vide order dated 19.09.2016; the operative part of the order reads as under:

O.A. No.4592/2015
 With
 O.A. No.0019/2016
 O.A. No.3075/2015
 O.A. No.3081/2015
 O.A. No.3100/2015
 O.A. No.3951/2015
 O.A. No.3980/2015 &
 O.A. No.4593/2015

“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.”

6. When these OAs were taken up for hearing on 15.05.2017, the learned counsel for the applicants and respondents were *ad idem* that the issues raised in these OAs are squarely covered by the decision of this Tribunal in **Hoshiar Singh** (supra) and as such they could be disposed of accordingly. It was further submitted that the KVS has already implemented the order of this Tribunal in **Hoshiar Singh** (supra).

7. In view of the submissions made by the learned counsel for the parties, all these OAs are disposed of in terms of the order of this Tribunal in OA No.3112/2013, dated 19.09.2016 (**Hoshiar Singh**) (supra).

8. No order as to costs.

(K.N. Shrivastava)
Member (A)

‘San.’