

**Central Administrative Tribunal  
Principal Bench**

OA No.4675/2015

New Delhi this the 3<sup>rd</sup> day of July, 2017.

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

Smt. Kusum Lata, aged 64 years,  
W/o Sh. R.K. Singh,  
Retired Principal from KVS,  
R/o 49 B-Block,  
Old Building Darul Shaja,  
Lucknow.

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

-Respondents

(By Advocates Mrs. Harvinder Oberoi and Shri S.  
Rajappa)

**O R D E R (ORAL)**

Through the medium of this Original Application (OA), filed under Section 19 of the Administrative Tribunals Act, 1985, the applicant has prayed for the following reliefs:

“(i) That the Hon’ble Tribunal may further graciously be pleased to pass an order of quashing the impugned order dated 7.10.2015 along with order dt. 7.4.2015 (Annex/A/1) and the order dated 15.06.2015 (Annex. A/2), 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 1993 is void-ab-initio as in the year 1993 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, by way of extending the benefit of Hon’ble Tribunal, Principal Bench judgment dated 25.3.2014 in OA No.1027/2014 and in OA No.1039/2014 (Annex. A/3).”

2. The brief factual matrix of the case, as noticed in the OA, is as under:

2.1 The applicant was appointed as a Primary Teacher (PRT) on 04.07.1973 in Kendriya Vidyalaya Sangathan (KVS). She was later appointed as Trained Graduate Teacher (TGT) (Hindi) on 07.08.1975 and thereafter as Post Graduate Teacher (PGT) (Hindi) on 15.12.1981 and finally as Principal on 19.10.1993. All these appointments of the applicant in KVS were on direct recruitment basis. She retired from the service on 31.01.2011 as Principal of KV, RDSO, Lukcnaw.

2.2 At the time of initial appointment of applicant as PRT, KVS was having Contributory Provident Fund (CPF) Scheme. Accepting the recommendations of 4<sup>th</sup> Central Pay Commission (CPC), the Central Government introduced GPF-cum-Pension Scheme. The Ministry of Personnel, Department of Pension and Pensioners' Welfare vide OM dated 01.05.1987 gave an option to the existing Central Government employees to change over from CPF Scheme to the GPF-cum-Pension Scheme (Annexure R-1). The Appendix-13 (Annexure A-12) of the OM, *inter alia*, stipulated as under:

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

3.2 The employees of the category mentioned above will, however, have an option to continue under the CPF Scheme, if they so desire. The option will have to be exercised and conveyed to the concerned Head of Office by 30-9-1987, in the form enclosed if the employees wish to continue under the CPF Scheme. If no option is received by the Head of Office by the above date the employees will be deemed to have come over to the Pension Scheme.”

2.3 The applicant did not specifically opt for switching over to the GPF-cum-Pension Scheme. Her contention is that in terms of Annexure A-12 Appendix-13 she is deemed to have come under the GPF-cum-Pension Scheme and hence she should be granted benefits of the said Scheme.

3. When the case was taken up for hearing on 03.07.2017, Shri Yogesh Sharma, learned counsel for the applicant submitted that the case of the applicant is squarely covered by the judgment of this Hon'ble Tribunal in OA No.1027/2014 with OA No.1039/2014 in the case of **Santosh Kumar Verma etc. etc. v. K.V.S. & Another** dated 25.03.2014, and as such this OA can be disposed of in terms of the said judgment.

4. The learned counsel for the respondents also agreed to it. The operative part of the judgment in **Santosh Kumar Verma** (supra) reads as under:

“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 Hon'ble 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. Since the case of the applicant is identical to that of the applicant in **Santosh Kumar Verma** (supra) and both the parties have also agreed that this OA may be disposed of in terms of the judgment in **Santosh Kumar Verma** (supra), the OA is allowed in terms of the judgment in **Santosh Kumar Verma** (supra). The

respondents are directed to extend the benefit of GPF-cum-Pension Scheme to the applicant.

6. No order as to costs.

**(K.N. Shrivastava)**  
**Member (A)**

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