

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

OA NO.2602/2018

NEW DELHI THIS THE 13TH DAY OF JULY, 2018

HON'BLE MS. NITA CHOWDHURY, MEMBER (A)

Indra Kukreja
 Aged 63 years (Approx.),
 PGT Phy Group-B,
 W/o Sh. Ravi Kukreja,
 14, 1st Floor, Road No.20
 Punjabi Bagh (East), Delhi. ...Applicant

(By Advocate: Mr. K.M. Singh)

VERSUS

1. The Commissioner
 Kendriya Vidyalaya Sangathan
 18, Institutional Area
 Shaheed Jeet Singh Marg,
 New Delhi.
2. The Deputy Commissioner
 Kendriya Vidyalaya Sangathan
 92, Gandhi Nagar Marg
 Bajaj Nagar, Jaipur
 Rajasthan-302015.
3. Principal
 Kendriya Vidyalaya KV No.2
 Army Cantt. Jaipur
 Rajasthan-302012. ...Respondents

ORDER (ORAL)

The applicant has filed this OA seeking the following reliefs:

- "i. Call for the original file(s)/record(s) of the respondents dealing with the case of the applicant and peruse the same.

- ii. To declare the action of respondents in not treating the applicant under the deemed category for the purpose of GPF-cum-Pension Scheme as illegal and arbitrary and direct the respondents to allow the applicant to be governed by GPF-cum-Pension Scheme from the date of retirement and fix her pensionary benefits and release the same with all consequential benefits.
- iii. To declare the action of respondents in governing the applicant under CPF Scheme on the basis of invalid option, as illegal, arbitrary and discriminatory.
- iv. To award cost upon the respondents in favour of the applicant.
- v. To grant any other benefits as deemed fit by their lordship of this Hon'ble Tribunal."

2. The applicant points out that she has made a representation dated 13.09.2013 stating therein that though she did not exercise any option to continue in CPF Scheme as per OMs dated 1.5.1987 and 1.9.1988, she was deemed to come under old Pension Scheme automatically and that the amount of her CPF account may be transferred into GPF account. Despite the representation made, no order has been passed for change of CPF amount to GPF contribution. As a result, she has been finally denied the benefits of GPF without giving any reasoned order and the representation dated 06.11.2017 (Annexure A-8) is still pending with the respondents.

3. It is quite clear that this is a matter in which the respondents were required to pass a speaking order with regard to the claim of the applicant in the light of the judgments cited by

her in the representation dated 06.11.2017. In this regard, the applicant is directed to supply a copy of the OA and cited decisions to the respondents within a period of three weeks and, thereafter, the respondents are directed to pass a reasoned and speaking order within a period of 45 days. It is also directed that in the event of the applicant's claim being accepted by the respondents, they shall also make payment of the differences after deducting all amounts issued to them within a further period of 30 days. Applicant's counsel wishes to withdraw the prayer no.4 in the OA, which is allowed.

3. With the above directions, the OA stands disposed of. No costs.

(NITA CHOWDHURY))
MEMBER (A)

/jk/