

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

OA-3129/2018

New Delhi this the 21st day of August, 2018

Hon'ble Sh. Pradeep Kumar, Member (A)

Dr. Poonam Coshic (Chief of Blood Bank)
(Group A, Age 58
W/o Lt. Mr. Omhirsh Coshic,
R/o B-22, Panchsheel Enclave
New Delhi-110017

...Applicant

(By Advocate : Sh. Pankaj Kumar)

Versus

1. All India Institute of Medical Sciences,
Through Director,
Ansari Nagar, New Delhi -29

2. Ministry of Health and Family Welfare
Govt. of India,
Through Secretary,
Nirman Bhawan, New Delhi.

..Respondents

(By Advocate :Sh. J.P. Tiwari)

ORDER (ORAL)

Learned counsel for the applicant pleads that the applicant was appointed on ad-hoc basis to AIIMS on 07.06.2000. Thereafter, without any break, her service was regularised vide respondents letter dated 16.01.2006, which reads as under:-

"He/She will be governed by New Pension Scheme as per the provision contained in the Ministry of Finance, department of Economic Affairs (FCB & PR Division), Notification No. 5/7/2003-ECB&PR dated 22.12.2003."

2. However, the applicant also brought out that the respondents have written letter dated 01.02.2018 to the Ministry of Health and Family Welfare wherein the following was brought out :-

"I am directed to inform that at the Institute, there are cases where incumbents joined on ad-hoc basis before 2004 against sanctioned posts and were subsequently regularized to the post on or after

01.01.2004. Since they were regularised on or after 1.1.2004, they are being treated like new entrants and governed by the New Pension Scheme. However, such officials have been requesting repeatedly, to be considered under Old Pension Scheme with the plea that they were working in the post before 2004 without break in service. It is pertinent to mention here that there is no break in the ad-hoc appointment and regular appointment and they were regularised to the post without any break in service.

In the above context, it is relevant to mention that as per Rule 13 of CCS (Pension) Rules, 1972 qualifying service of a Government Servant shall commence from the date he takes charge of the post to which he is first appointed either substantively or in an officiating or temporary capacity, provided that officiating or temporary service is followed without interruption by substantive appointment in the same or another service or post."

3. In accordance thereof, the plea of the applicant is that she is entitled to be treated under Old Pension Scheme. Further, despite her representation dated 04.08.2017 in this regard, she has not received any response from the respondents so far.

4. The matter has been heard.

5. The instant O.A. is disposed off at admission stage itself, with a direction to the respondents to pass a speaking order on the representation dated 04.08.2017, within a period of three months from the date of receipt of certified copy of this order. No order as to costs.

(Pradeep Kumar)
Member (A)

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