

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

**OA NO.3255/2018
MA NO.3638/2018**

New Delhi this the 30th day of August, 2018

HON'BLE MR. PRADEEP KUMAR, MEMBER (A)

1. Mrs. Indu Wahi, aged 64 years,
Group-B,
W/o Mr. Om Prakash Wahi,
Retired as TGT Sanskrit from KVS,
R/o 229, Kailash Hills, East of
Kailash, New Delhi-110065.
2. Mrs. Jasjit Kaur, aged 64 years,
Group-B,
W/o S.S.P. Singh,
Retired as PGT (Bio) from KVS,
R/o 1650-A, Pocket B-1,
Vasant Kunj, New Delhi-70.
3. Mrs. Nishat Taqvi, aged 62 years,
Group -B,
W/o Mr. Shane Akbar Taqvi,
Retired as PGT (English) from KVS,
R/o Ashirward-I, Flat No.1, 197/199,
Civil Lines, Near Pears School,
Behind Civil Court, Bareilly (U.P.).
4. Mrs. Anita Joshi, aged 61 years,
Group -B,
W/o Late S.K. Joshi,
Retired P.R.T. (Music) from KVS,
R/o WZ-109, Street No.8,
Lajwanti Garden, New Delhi.
5. Mrs. Vibha Bhutani, aged 71 years,
Group -B,
W/o Mr. Harish Kumar Bhutani,
Retired as TGT (English) from KVS,
R/o H.No.316, Sector-37, Arun Vihar,
Noida-201303.
6. Mrs. Santosh Kalra, aged 64 years,
Group-B,

W/o Mr. Om Prakash Kalra,
Retired as TGT (English) from KVS,
R/o 60/9, Ashok Nagar, P.O. Tilak
Nagar, New Delhi-110018.

7. Mrs. Annapurna Yadav,
Aged 63 years, Group-B,
W/o Sh. Nepal Yadav,
Retired as TGT (Hindi) from KVS,
R/o B-703, Navantara Apartment,
Plot -8B, Sector-7, Dwarka,
New Delhi-110075.
8. Mrs. Saraswati Saha, aged 61 years,
Group -B,
W/o Sh. Shubnath Saha,
Retired as TGT (Hindi) from KVS,
R/o B-403, Sec.-9, Millennium
Apartment, Dwarka, Plot-2,
New Delhi-77.
9. Mr. Alok Kumar Mazumdar,
Aged 61 years, Group-B,
S/o Sh. Anil Kumar Mazumdar,
Retired as TGT (ART Education)
from KVS,
R/o B-162, 2nd Floor, Lajpat Nagar-1,
New Delhi.
10. Ms. Indira Goyal, aged 69 years,
Group-B,
D/o Late Sh. R.D. Goyal,
Retired as Principal from KVS,
R/o B-703, Nayantara Apartment,
Plot-8B, Sec.-7, Dwarka,
New Delhi-75.
11. Ms. Ambica Rana, aged 73 years,
Group-B,
D/o Sh. Ravindra Singh Rana,
Retired as PGT (English) from KVS,
R/o 1203, Sector-37, Noida.
12. Ms. Bharti Mishra, aged 62 years,
Group-B,
D/o Sh. Ghanshyam Mishra,
Retired as TGT (Sanskrit) from KVS,
R/o K-24D, Saket, New Delhi-110017.

13. Mohd. Ahmed, aged 64 years,
Group-B,
S/o late Sh. Bahar Ahmed,
Retired as Librarian from KVS,
R/o 7166, Beriwala Bagh,
Azad Market, Delhi-110006.
14. Smt. Jyotsna Poddar, aged 71 years,
Group – B,
W/o Dr. Ranjit Poddar,
Retired as TGT (S.St.) from KVS,
R/o 806, 29 Sector, Noida (UP).
15. Mrs. Sohani Naithani, aged 60 years,
Group –B,
W/o Mr. Kailash Chandra,
Retired as TGT (Sanskrit) from KVS,
R/o D-111, Sector-36,
Noida (UP).
16. Mrs. Susheela Shrivastava,
Aged 71 years, Group-B,
W/o Late Awadhesh Kumar Shrivastava,
Retired as PRT from KVS,
R/o H.No.828, Sector-29, Arun Vihar,
Noida (UP)-201303.
17. Mrs. Kiran Sharma, age 71 years,
Group –B,
W/o Late Col. Krishan Lal Sharma,
Retired as TGT (English) from KVS,
R/o H.No.535, Sector-28, Varun
Enclave, Noida (UP).
18. Smt. Bimla Nagpal, aged 74 years,
Group –B,
W/o Sh. Khushal Chand Nagpal,
Retired as TGT (Social Science) from KVS,
R/o H.No.138 B, Pkt-4, Mayur Vihar,
Phase-1, New Delhi.
19. Smt. Ravinder Jit Kaur,
Aged 69 years, Group-B,
W/o Sh. Harmohinder Singh,
Retired as TGT (Hindi) from KVS,
R/o B-127, Fateh Nagar,
Jail Road, New Delhi-18.

20. Smt. Sobha Misra, aged 63 years, Group-B, W/o Sh. Aryendra Kumar Mishra, Retired as TGT (Hindi) from KVS, R/o 300, Golden Green Park, Bareilly, UP.
21. Mrs. Nasreen Jahan Khan, Aged 67 years, Group-C, W/o Mohmd. Fahim Khan, Retired as Head Mistress from KVS, R/o C-5, Ashish Royal Tower, Bisalpur Road Crossing- Pilibhit, Bypass Bareilly, UP.
22. Mrs. Tanvir Fatima, aged 61 years, Group-B, W/o Late Talib Hussian, Retired as TGT (Social Science) from KVS, R/o Mohalla-Majapota, Jaliwala, Imambora, Amroha (UP-244221).
23. Mrs. Razia Khan, aged 67 years, Group- B, W/o late Shri K.A. Rauf, Retired as TGT (English) from KVS, R/o 328, Karolan Biharipur, Bareilly (UP).
24. Mrs. Mary Shantha, aged 61 years, Group-B, W/o D. Rajendra Prasad, Retired as TGT (Science) from KVS, R/o B-101, Puneet Apartment, Vasundhara Enclave, Delhi-110096.
25. Mrs. A. Subhalakshmi, aged 62 years, Group-B, W/o Late T.L. Christopher, Retired as PRT from KVS, R/o 1018-60/8, MES Colony, Narayanpuram, Post Trimulghery, Secunderabad, Telengana-500015.
26. Suresh Kumar, aged 55 years, Group -C,

S/o Sh. Harbhajan Singh,
 Working as Sub-Staff in K.V. New Delhi,
 R/o 97/1, Village Khirkee,
 Malviya Nagar, New Delhi-17.

...Applicants

(By advocate: Mr. Yogesh Sharma)

VERSUS

1. Union of India
 Through the Secretary,
 Ministry of Human Resources
 Development, Shastri Bhawan,
 New Delhi.
2. Kendriya Vidyalaya Sangathan
 Through the Commissioner,
 18, Institutional Area,
 Shahzed Jeet Singh Marg,
 New Delhi.
3. The Joint Commissioner (Admn.),
 Kendriya Vidyalaya Sangathan,
 18, Institutional Area,
 Shahzed Jeet Singh Marg,
 New Delhi-110016. ...Respondents

:ORDER (Oral):

MA No.3638/2018 filed for joining together is allowed.

Heard the learned counsel for the applicants.

2. Learned counsel for the applicants brought out that the applicants had joined Kendriya Vidyalaya Sangathan (KVS) prior to 31.12.1985. At that time KVS had a Scheme known as CPF in force. Subsequently, w.e.f. 01.01.1986 GPF-cum-pension Scheme was introduced, and the existing employees were to give option whether they would like to continue under the CPF or

come over to GPF-cum-Pension Scheme, and further in the event they did not give any option, they would be deemed to have come over to the new GPF-cum-Pension Scheme. It is brought out that the applicants had not given any option and as such they were deemed to be covered under GPF-cum-Pension Scheme. It is, however, the case of the applicants that the respondents are still treating them as continued under CPF Scheme. This is the grievance of the applicants in the present OA.

3. It is brought out that the judgement of Hon'ble High Court of Madras, vide their orders dated 24.10.2017 in W.P. No.19215/2015, had dealt with a similar matter and ordered for such older employees to be covered by GPF-cum-Pension Scheme. It was also brought out that a similar case was decided by this Tribunal on 31.07.2018 in OA No.2863/2018 wherein the same benefits have been extended.

4. The applicants have already submitted legal notice to the respondents, vide letter dated 17.07.2018, which is still un-replied. The applicants pleaded that they will be satisfied if a time bound direction is issued to the respondents to give a speaking order on this legal notice in the light of the adjudication already taken place in the Hon'ble High Court of Madras and Tribunal (para 3.0 supra).

5. Accordingly, the present OA is disposed off at admission stage without commenting on merits of the case, with a direction to the respondents to pass a speaking order on the legal notice dated 17.07.2018 within a period of three months, keeping in view, the direction given by Hon'ble High Court of Madras and the Tribunal as quoted above and extend the benefit it applicants are similarly placed. No costs.

**(PRADEEP KUMAR)
MEMBER (A)**

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