

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

OA.NO..170/000747 -748 /2015

DATED THIS THE 20th DAY OF APRIL, 2017

HON'BLE SHRI JUSTICE HARUN-UL-RASHID, MEMBER(J)

HON'BLE SHRI RUDHRA GANGADHARAN, MEMBER(A)

1.RG.Patil,
S/o Late GS.Patil,
Aged about 56 years,
Working as Principal Technical Officer,
in Centre for Development of
Advanced Computing C-DAC),
No.68, Electronics City, Phase-I,
Hosur Road, 4th Cross,
Opp: BSNL Telephone Exchange,
Bangalore 560 100.
Residing at:No.213, 8th Cross,
1st 'N' Block, Rajaji Nagar,
Bangalore 560010.

2.RS.Kulkarni,
S/o Late SG.Kulkarni,
Aged about 56 years,
Working as Principal Technical Officer,
in Centre for Development of
Advanced Computing C-DAC),
No.68, Electronics City, Phase-I,
Hosur Road, 4th Cross,
Opp: BSNL Telephone Exchange,
Bangalore 560 100.
Residing at:No.C-004,
Mantri Woodlands,
Bannerghatta Road,
Bangalore 560010.

...Applicants

(By Shri PM.Nayak....Advocate)

Vs.

1. Union of India,
By its Secretary,
Department of Expenditure,
Ministry of Finance,
North Block, Room No.76,
New Delhi – 110 001.

2. Union of India,
By its Secretary,
Department of Information Technology (Deity),
Ministry of Communications and
Information Technology,
Electronics Nikethan,
6, CGO Complex,
Lodi Road, New Delhi 110 001.

3. The Director General,
Centre for Development of Advanced Computing (C-DAC),
Pune University Campus, Ganesh Khind,
Pune 411 007.

4. The Executive Director ,
Centre for Development of Advanced Computing (C-DAC),
C-DAC Knowledge Park,
No.1, Old Madras Road,
Byappannahalli,
Bangalore 560038.Respondents

(By Shri M.V.Rao, Sr. Panel Counsel for R-1)
M/S TMT Law Practice for R-2
M/S Corlit Legal for R2 to 4)

ORDER (ORAL)

prosecuting

JUSTICE HARUN-UL-RASHID MEMBER (J):

MA.173/2017 for seeking permission to file additional rejoinder is allowed.

OA

1. The original application is filed seeking the following reliefs:-

"b) to issue writ of Certiorari and thereby set aside the speaking order vide No.CORP:DG:1953 dated 29.12.2014, issued by the third respondent as at Annexure-A5 to this application in so far as the applicants are concerned"....

2. When the matter was taken up for consideration today the learned counsel on both sides request this Tribunal to dispose of this OA in terms of the decision passed by the Mumbai Bench of this Tribunal vide order dated 27.2.2017 in OA.161/2015. It is submitted by both sides that the issue in the present case is similar to the issue in the disposed of OA.161/2015. The applicants are aggrieved by the actions of the respondents in rejecting their prayer for availing the option for switching over from CPF scheme to GPF-cum-Pension Scheme. They have prayed for a direction from this Tribunal to the respondents to accept the exercise of the second option to switch over to GPF-cum-Pension Scheme and consequently grant pension to them from their respective dates of retirement.

3. The operative portion of the order passed by the Mumbai Bench in OA.161/2015 is extracted below:-

"19.In view of the above, the OA is partly allowed. The respondents are directed to accept the applicants' second option to switch over to the GPF-cum-Pension Scheme and pass necessary orders granting the benefit of GPF and pension to them from the dates of their respective retirement within 12 weeks from the date of receipt of this Tribunal's

order. The modalities of adjusting the CPF contribution already refunded to the applicants through the interim order of this Tribunal will have to be worked out as per Rules and should form a part of the new order.

20. No order as to costs."

4. In the aforesaid facts and circumstances, this OA is disposed of in terms of directions issued in OA.161/2015. There will be a direction to the respondents to accept the applicants' second option to switch over to the GPF-cum-Pension Scheme and grant pension to them from the dates of their respective retirement.

5. OA is disposed of accordingly. No order as to costs.

(RUDHRA GANGADHARAN) (JUSTICE HARUN-UL-RASHID)
MEMBER(A) MEMBER(J)

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