

CENTRAL ADMINISTRATIVE TRIBUNAL**CHANDIGARH BENCH****CHANDIGARH****OA. No. 060/00672/2018**

This the 31st day of May, 2018

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CORAM: HON'BLE MR.JUSTICE M.S. SULLAR, MEMBER (J)
HON'BLE MRS.P. GOPINATH, MEMBER (A)

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1. P.No. 6971548 Fireman Nirmal Singh S/o Sh. Gurmail Singh aged 35 years, 36 Field Ammunition Depot, PIN-900484, C/O 56 APO.
2. P.No. 6971572 Fireman Navreet Singh S/o Sh. Dalwinder Singh aged 34 years, 36 Field Ammunition Depot, PIN-900484, C/O 56 APO.
3. P.No. 2927 Safaiwala Amrit Lal S/o Sh. Ram Saran aged 40 years, 36 Field Ammunition Depot, PIN-900484, C/O 56 APO.
4. P.No. 2928 Safaiwala Ajit Singh S/o Sh. Bhira aged 34 years, 36 Field Ammunition Depot, PIN-900484, C/O 56 APO.
5. T.No. 3330 Painter Harnek Singh S/o Sh. Bhura Singh aged 51 years, 36 Field Ammunition Depot, PIN-900484, C/O 56 APO.
6. T.No. 3331 T/Mate Makhan Singh S/o Sh. Jagsir Singh aged 51 years, 36 Field Ammunition Depot, PIN-900484, C/O 56 APO.
7. T.No. 3332 T/Mate Gurtej Singh S/o Sh. Ranjit Singh aged 57 years, 36 Field Ammunition Depot, PIN-900484, C/O 56 APO.
8. T.No. 3334 T/Mate Jagsir Singh S/o Sh. Gurmail Singh aged 37 years, 36 Field Ammunition Depot, PIN-900484, C/O 56 APO.
9. T.No. 3335 T/Mate Harjeet Singh S/o Sh. Iqbal Singh aged 34 years, 36 Field Ammunition Depot, PIN-900484, C/O 56 APO.
10. T.No. 3337 T/Mate Gurnaib Singh S/o Sh. Balvir Singh aged 37 years, 36 Field Ammunition Depot, PIN-900484, C/O 56 APO.

11. T.No. 3338 T/Mate Sukhmander Singh S/o Sh. Fouja Singh aged 36 years, 36 Field Ammunition Depot, PIN-900484, C/O 56 APO.
12. T.No. 3340 T/Mate Avtar Singh S/o Sh. Bikkar Singh aged 35 years, 36 Field Ammunition Depot, PIN-900484, C/O 56 APO.
13. T.No. 3341 T/Mate Gurdeep Singh S/o Sh. Darshan Singh aged 37 years, 36 Field Ammunition Depot, PIN-900484, C/O 56 APO.
14. T.No. 3342 T/Mate Kewal Singh S/o Sh. Mithu Singh aged 37 years, 36 Field Ammunition Depot, PIN-900484, C/O 56 APO.
15. T.No. 3343 T/Mate Gurdeep Singh S/o Sh. Major Singh aged 35 years, 36 Field Ammunition Depot, PIN-900484, C/O 56 APO.
16. T.No. 3344 T/Mate Jarnail Singh S/o Sh. Surjan Singh aged 48 years, 36 Field Ammunition Depot, PIN-900484, C/O 56 APO.
17. T.No. 3345 T/Mate Harpal Singh aged 39 years, S/o Sh. Baldev Singh 36 Field Ammunition Depot, PIN-900484, C/O 56 APO.
18. T.No. 3346 Jai Jai Ram T/Mate aged 44 years S/o Sh. Shankar Lal, 36 Field Ammunition Depot, PIN-900484, C/O 56 APO.

.....Applicant

BY ADVOCATE: Sh. Rajesh Gupta

VERSUS

1. Union of India through ITS Secretary, Ministry of Defence, South Block, New Delhi.
2. Director General of Ordnance Services, Master General of Ordnance Branch, Integrated Headquarters of MOD (Army), DHQ, PO, New Delhi – 110 011.
3. Commandant, 36 FAD, PIN-900484 C/o 56 APO.

.....Respondents

BY ADVOCATE: None

ORDER**HON'BLE MRS. P. GOPINATH, MEMBER(A):-**

1. Respondents issued an advertisement in the year 2003 for recruitment to the post of Fireman, Mazdoor, Tailor, Safaiwala etc. to clear backlog vacancies for the year 2000-2002. Written examination and interview was conducted in December, 2003. Applicants were selected and joined their respective posts in 2004.
2. The New Pension Scheme came into existence w.e.f. 01.01.2004 and the applicants who were appointed post 01.01.2004 came under the purview of the New Pension Scheme. The relief sought by the applicants is that since the vacancies related to the year 2000-2002, they should be made eligible for the Old Pension Scheme, 1972. Applicants' argument is that since the vacancies are for the year 2000-2002, they should have been deemed to have been appointed from the date of occurrence of vacancies and also be made eligible for the Old Pension Scheme.
3. We find that Annexure A-1 produced by the applicant is an undated recruitment notice. However, in para 2 of the said document, it is stated that applications will be received by 15.12.2003. It is also stated that for various posts, the examination will be held on 22.12.2003, 23.12.2003, 24.12.2003, 26.12.2003 and 27.12.2003. From Annexure A-2 series, we find that the applicants have been appointed on 20.03.2004, 17.03.2004, 04.03.2004, 26.03.2004 and so on. Hence, the applicants are borne in

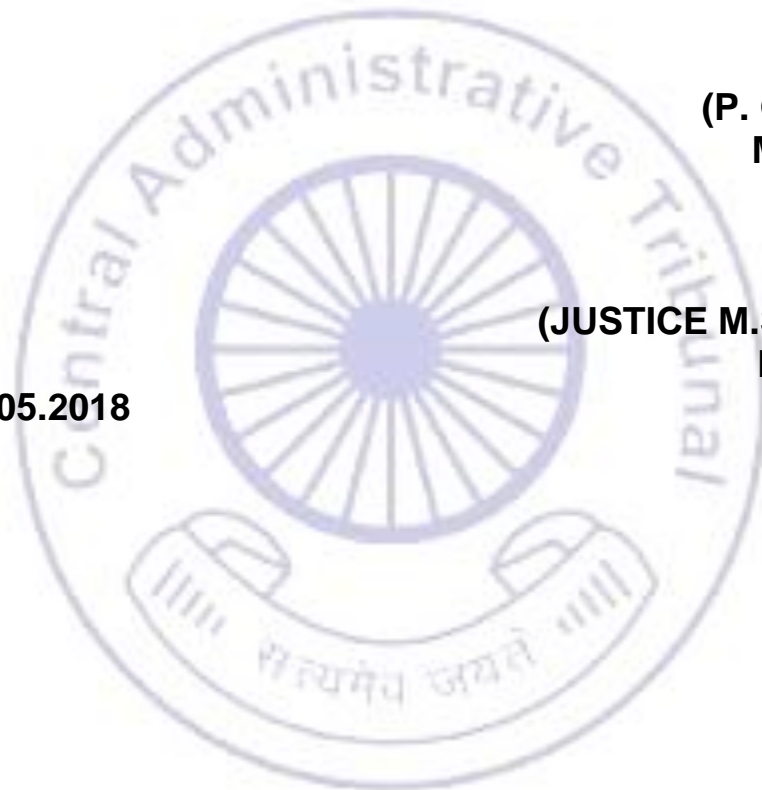
Government service in March and April, 2004. Prior to this, they have no locus standi in Government service. Having been borne in service on a date post the introduction of the New Pension Scheme on 01.01.2004, the applicants' claim for being a beneficiary of the Old Pension Scheme is not only irregular but de hors the rules and expression of an expectation which is not supported by the date of offer of appointment or entry of applicants into government service. Their expectation to be made a beneficiary of a scheme, which does not exist on the date of their appointment, is not a legitimate expectation.

4. Applicants relied on OA No. 20/2015 of the Coordinate Ernakulam Bench wherein the applicants were Postal employees selected to the post of Postal Assistants. In the said case, the applicants were holding civil post and hence were already in the service of respondents and the grant of relief to them on the basis of past service was made appropriately. In the case of applicants in this OA, they were neither holder of civil posts nor in the respondent service prior to their appointment on various dates in March and April, 2004. Hence, they are not entitled to the same relief as in OA No. 20/2015.

5. We note that the examination was held in December, 2003 and the result was declared thereafter and the applicants joined the posts to which they were appointed in March/ April, 2004 i.e. after January, 2004, date of notification of New Pension Scheme. We also note that the recruitment was conducted within reasonable time and

no delay has occurred in the recruitment process. Moreover, there is a need to accord sanctity to the rules and schemes of the Government and their date of effect/operation to Government servants. It should not be left to those joining Government service as to how the sanctity of the last date of a scheme like the Old Pension Scheme can be extended or stretched to accommodate the applicants. OA is bereft of merit and is dismissed in limine.

Dated :31.05.2018
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(P. GOPINATH)
MEMBER(A)

(JUSTICE M.S. SULLAR)
MEMBER(J)