Central Administrative Tribunal
Madras Bench

OA/310/01352/2018

Dated Monday the 10ᵗʰ day of October Two Thousand Eighteen

P R E S E N T

Hon'ble Mr. R.Ramanujam, Member(A)
&
Hon'ble Mr.P.Madhavan, Member(J)

Mr.V.Chandrasekaran
S/o P.M.Vadivelu
No.21, Tungabhadra Block,
DAE Township, Anupuram Post,
Kancheepuram 603127   .. Applicant
By Advocate **M/s.T.N.Sugesh**

Vs.

1. The Union of India, rep by the
   Secretary,
   Department of Atomic Energy,
   Government of India,
   Anushakthi Bhavan, CSM Marg,
   Mumbai 400001.
2. The Director,
   Indira Gandhi Centre for Atomic Research(IGCAR),
   Department of Atomic Energy, Kalpakkam,
   Kancheepuram 603102.
3. The Under Secretary,
   Department of Pension & Pensioners Welfare,
   M/o Personnel, Public Grievances & Pensions,
   Government of India, 3ʳᵈ Floor, Lok Nayak Bhavan,
   Khan Market, New Delhi 110003.
4. The Director,
   Department of Pension & Pensioners Welfare,
   3ʳᵈ 3ʳᵈ Floor, Lok Nayak Bhavan,
   Khan Market, New Delhi 110003.
5. The Director(P&A),

(Formerly designated as Administrative Officer(P),
Indira Gandhi Centre for Atomic Research(IGCAR),
Department of Atomic Energy, Kalpakkam,
Kancheepuram 603102.   .. Respondents

ORAL ORDER
[Pronounced by Hon'ble Mr.R.Ramanujam, Member(A)]

Heard. The applicant has filed this OA seeking the following relief:-

> "To call for the records relating to the impugned Order of
> the 2nd respondent in Ref: IGCAR/WP No.92 of 2017/IC
> No./Admin [O&M]/2017/1825 dated 27.3.2017 confirming the
> earlier Order in No.IGCAR/WP21569 of 2013/Admn
> (O&M)/741 dated 02.6.2015 and the order passed by the third
> respondent in No.20/1/2000-P&PW(F) dated 25.1.2017 and set
> aside the same and direct the respondents to permit the
> applicant to switch over from the existing Contributory
> Provident Scheme (CPF) to the Pension Scheme, namely,
> General Provident Scheme (GPF) and grant him all
> consequential benefits and thus render justice."

2.   It is submitted that the applicant had earlier filed OA 92/2017 with regard to his grievance which was disposed of on 27.1.2017 with a direction to the respondents to consider the representation of the applicant in accordance with law and pass a speaking order. Accordingly the respondents passed Annexure A22 impugned order dated 27.3.2017 rejecting the representation on the ground that his representation dated 05.12.2014 and Appeal dated 25.9.2015 had been examined in detail with reference to orders/OMs issued by the nodal Ministry of Department of Pension and Pensioners' Welfare(DP&PW) as well as Department of Atomic Energy (DAE) and there was no provision in the rules to grant him one more option to switch over from GPF to CPF.

3.   It is further submitted that subsequently the Department of Pension & Pensioner's Welfare passed Annexure A25 OM dated 06.7.2018 in regard to one A.M.Baskaran, Scientific Assistant allowing him to switch over to the pension

scheme in relaxation of the time lines prescribed by the DAE by their OM dated 12.10.2000. It is alleged that the applicant was identically placed as the said A.M.Baskaran and, therefore, he could not be discriminated against. Accordingly, it is submitted that the applicant would be satisfied if he is permitted to submit a representation to the competent authority in the light of Annexure A25 OM in the case of the said A.M.Basakaran and seek to be extended a similar benefit and the respondents directed to reconsider their decision in the light of the said OM.

4.   Keeping in view the limited relief sought and without going into the substantive merits of the case, we deem it appropriate to direct the respondents to examine the claim of the applicant that he is identically placed as the said A.M.Baskaran in whose case the timelines appear to have been relaxed in Annexure A25 OM of the DP&PW and if it is found that he is identically placed, consider his representation and pass a reasoned and speaking order within a period of three weeks from the date of receipt of a copy of this order.

5.   OA is disposed of with the above directions at the admission stage.

(P.Madhavan)   (R.Ramanujam)
Member(J)   Member(A)
                              10.10.2018

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