

**Central Administrative Tribunal
Madras Bench**

OA/310/01351/2018

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.S.Sakthy
S/o Simon,
No.18/205, 5th Street,
Thyagaraya Puram,
Thiruvottiyur,
Chennai 600 019. .. 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 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 applicants have filed this OA seeking the following relief:-

“To call for the records relating to the impugned proceedings of the 4th respondent in Order No.IGCAR/PF.5124/P-II/165 dated 01.2.2017 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 379/2017 with regard to his grievance which was disposed of on 07.6.2017 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 A14 impugned order dated 01.2.2017 rejecting the representation on the ground that his representation dated 07.12.2016 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 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 Department of Atomic Energy 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 the OM in the case of the said A.M.Baskaran 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 the 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)
Member(J)

10.10.2018

(R.Ramanujam)
Member(A)

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