

**Central Administrative Tribunal
Madras Bench**

OA 310/01400/2018 to 310/01404/2018

Dated Monday the 3rd day of December Two Thousand Eighteen

P R E S E N T

Hon'ble Mr. R.Ramanujam, Member(A)

S. Raju
No. 116-C, TNHB Colony
C/o S Krishnan
Valliyur, Tirunelveli District – 627 117. ... Applicant in OA 1400/2018

P.A. Sasidharan
No. 44, Kumudam, DAE Township
Anupuram Post, Kancheepuram – 603 127. ... Applicant in OA 1401/2018

A. Govindarajan
No. 22, Nanguram Nagar
Nandhivaram, Guduvancheri
Kancheepuram District 603 202. ... Applicant in OA 1402/2018

V. Kumaran
No. 182/L, F2 F Block
Sunshine Enclave, Jyothiba Avenue
Melamaraiyur, Chengalpattu 603 003. ... Applicant in OA 1403/2018

M. Sambamurthy
No. 41, Oragadam Road
F-1, Pooja Lakshmi Apartments
Ambattur, Chennai – 600 053. ... Applicant in OA 1404/2018

By Advocate **M/s. T.N. Sugesh**

Vs.

The Union of India
Rep. by the Secretary, Department of Atomic Energy

Government of India, Anushakthi Bhavan, CSM Marg
Mumbai – 400 001.

The Director
Indira Gandhi Centre for Atomic Research (IGCAR)
Department of Atomic Energy, Kalpakkam
Kancheepuram 603 102.

The Under Secretary
Department of Pension and Pensioners Welfare
Ministry of Personnel, Public Grievances and Pensions
Government of India, 3rd Floor, Lok Nayak Bhavan
Khan Market, New Delhi 110 003.

The Director
Department of Pension and Pensioners Welfare
3rd Floor, Lok Nayak Bhavan, Khan Market
New Delhi 110 003.

... Respondents 1 to 4 in all OAs

The Administrative Officer (Estt)
Indira Gandhi Centre for Atomic Research (IGCAR)
Department of Atomic Energy
Kalpakkam, Kancheepuram 603 012.

... Respondent 5 in OA 1400/2018,
1402/2018, 1403/2018, 1404/2018

The Director (P&A)
(Formerly designated as Administrative Officer (P))
Indira Gandhi Centre for Atomic Research (IGCAR)
Department of Atomic Energy, Kalpakkam
Kancheepuram 603 102.

... Respondent 5 in OA 1401/2018

By Advocate Mr. Su. Srinivasan

ORAL ORDER

Pronounced by Hon'ble Mr. R. Ramanujam, Member(A)

Heard. It is submitted that the nature of grievance, cause of action, as well as the relief sought with respect to all the applicants are similar. Therefore, this common order is passed in all the OAs.

2. For the sake of convenience the facts of OA 1400/2018 are mentioned herein. The applicant has filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:

“To call for the records relating to the impugned order of the 5th respondent in Order in Ref No. IGCAR/IC No. 4343/Admin (P-II)/2017/5255 dated 06.05.2017 and the order passed by the third respondent in No. 20/1/2000-P&PW(F) dated 25.01.2017 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.”

3. It is submitted that the applicant joined service on 23.01.1984. He had opted for the contributory pension fund scheme on 21.02.1989. In the year 1967, the Government of India had issued an OM declaring that technical posts in the Department of Atomic Energy (DAE) were pensionable and provided an opportunity to the holders of such posts to switch over from CPF to pension scheme. An OM was also issued on 12.10.1992 allowing them to exercise the option within 20 years of

entry into the service. Another OM came to be issued on 23.07.1996 thereafter which, however, was only made applicable to persons appointed on or after 01.08.1992. It was stated that in respect of such persons, status quo ante would prevail. The OM also provided that those who did not exercise any option within a specified period would be deemed to have opted for the switch over to the pension scheme.

4. On 12.10.2000, another OM was issued extending one more option to technical persons who joined prior to 1992 and who had not completed 20 years of service to switch over from CPF to the pension scheme. The said OM was, however, not served on the individual employees and, therefore, the applicant could not submit his option within the time limit stipulated therein. On 04.10.2007, the Government of India issued another OM clarifying that technical persons who had been promoted to scientific post prior to 01.08.1992 were eligible to exercise an option to change over to pension scheme at any time before retirement. However, such benefits were not extended to technical employees who continued on technical posts.

5. The applicant made a representation on 10.04.2017 seeking to switch over to the pension scheme in the light of the above facts which was rejected by an order of the 5th respondent dated 06.05.2017. It was stated that the applicant had exercised the option to be retained under the CPF Scheme on 20.01.1987 and had not availed of the option granted under the OM dated 12.10.2000 though he had not completed the qualifying service of 20 years. It was further stated that wide publicity was given regarding OM dated 12.10.2000 and 49 employees had exercised option under the

said OM. The applicant was not eligible to be granted one more option thereafter and, therefore, his request for switch over from CPF to GPF could not be accepted.

6. Learned counsel for the applicant would submit that this Tribunal had occasion to consider the plea of the similarly placed person in OA 1351/2018 which was disposed of by this Tribunal by an order dated 10.10.2018 directing the respondents to examine the claim of the applicant therein that he was identically placed as one A.M. Baskaran in whose case the time lines appeared to have been relaxed in the OM of the DP&PW dated 06.07.2018 and if it was found that his claim was valid, consider the representation and pass a speaking order. The department of Atomic energy subsequently passed an order dated 01.11.2018 allowing the said A.M. Baskaran to exercise the option to switch over from CPF to GPF.

7. It is submitted that the applicants herein would be satisfied if a similar order is passed in these cases. Learned counsel for the respondents has no objection.

8. Keeping in view the above, the applicants are permitted to file a fresh representation drawing the attention of the authorities to their cases being similar to that of A.M. Baskaran along with supporting documents within a period of two weeks from the date of receipt of copy of this order. On receipt of such representation, the respondents are directed to to examine if the claim of the applicants in these OAs that they are identically placed as the said A.M. Baskaran in whose case a fresh option had been allowed by the Department of Atomic Energy by an order dated 01.11.2018

and if it is found that they are identically placed consider and pass a reasoned and speaking order within a period of one month thereafter.

9. OAs are disposed of with the above directions.

(R. Ramanujam)
Member(A)
03.12.2018

AS