

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

O.A.No.1591/2018 & M.A.No.661/2018

Dated Wednesday, the 5th day of December, 2018

PRESENT

Hon'ble Mr.R.Ramanujam, Administrative Member

&

Hon'ble Mr.P.Madhavan, Judicial Member

1.R.Sangeetha,
W/o D.Murugavel,
No.27 Goubert School Street,
Vazhaikulam, Puducherry 605 001.

2.K.Muthuvel,
S/o Kittappa,
No.8, Sakthi Nagar Extn.,
II Cross Street, Dharmapuram,
Karaikal 609 602.

3.K.Kandavel,
S/o Kanagaraj,
No.55, 9th Cross St., Sudhakar Nagar,
Reddiyarpalayam, Puducherry 605 010.

4.M.Elango,
S/o Manickam, Plot No.44-A,
3rd Cross St., Thiruvalluvar Nagar,
Pappanchavadi, Puducherry 605 004.

...Applicants

By Advocate M/s Menon, Karthik, Mukundan & Neelakantan

Vs.

1.Union of India,
Through the Government of Puducherry,
Rep., by The Secretary to Government (Personnel),
Chief Secretariat, Puducherry.

...Respondent

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

Heard. As the grievance agitated and the relief claimed by the applicants in the OA are common, MA 661/2018 filed by the applicants for joining together file a single OA is allowed.

2. The applicants have filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:

“To direct the respondents to place the applicants notionally with effect from the date of entitlement to the post i.e., the date of occurrence of the vacancies so as to enable them to be included in the statutory pension scheme under the CCS (Pension) Rules, 1972 and pass such further or other orders as may be deemed fit and proper.”

3. It is submitted that the applicants made individual representations Annexure A-7 to A-10 dated 23.11.2017 in regard to their grievance. The applicants are aggrieved that they are being treated as members of New Pension Scheme and accordingly monthly contributions are being collected from them although they ought to have been appointed in 2003 or before, at the same time or ahead of the persons who were selected through the same selection process and were below the applicants in the merit list. It is submitted that the applicants are not aware of the reasons why their appointment was delayed. It is alleged that the delay had nothing to do with anything attributable to the applicants. As the applicants ought to have been appointed before 01.01.2004, they are entitled to be covered by the CCS (Pension) Rules 1972, it is contended. Accordingly, the applicants would be satisfied, if their representations

dated 23.11.2017 & 29.03.2018 in this regard are directed to be considered in accordance with law. The applicants also seek liberty to supplement the representations with any additional points/case law, etc.

4. Keeping in view the limited relief sought and without going into the substantive merits of the case, the applicants are granted liberty to supplement their representations dated 23.11.2017 with any additional material/information/case laws within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representations, the competent authority shall pass a reasoned and speaking order in accordance with law within a period of three months thereafter.

5. OA is disposed of at the admission stage.

(P.MADHAVAN)
MEMBER(J)

(R.RAMANUJAM)
MEMBER (A)

05.12.2018

M.T.