

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No.181/00857/2017

Tuesday, this the 15th day of January, 2019

C O R A M :

**HON'BLE Mr.E.K.BHARAT BHUSHAN, ADMINISTRATIVE MEMBER
HON'BLE Mr.ASHISH KALIA, JUDICIAL MEMBER**

P.I.Ahamed,
S/o.Khader,
W.C.Belder (Retd.),
Lakshadweep Public Works Department,
Union Territory of Lakshadweep, Amini Island – 682 552.
Residing at Puthiya Illam, Amini – 682 552,
Union Territory of Lakshadweep.Applicant

(By Advocate – Mr.N.Unnikrishnan)

V e r s u s

1. Union of India
represented by the Secretary to the Government of India,
Ministry of Personnel, Public Grievances & Pension,
Department of Personnel and Training,
North Block, New Delhi – 110 001.
2. The Administrator,
Union Territory of Lakshadweep,
Kavaratti – 682 555.
3. The Controller General of Accounts,
Central Pension Accounting Office,
Ministry of Finance, Department of Expenditure,
New Delhi – 110 001.
4. The Director (Services),
Union Territory of Lakshadweep,
Kavaratti – 682 555.
5. The Superintending Engineer,
Lakshadweep Public Works Department,
Union Territory of Lakshadweep, Kavaratti – 682 555.
6. The Principal Pay and Accounts Officer,
Union Territory of Lakshadweep, Kavaratti – 682 555.

7. The Chairman,
Pension Fund Regulatory and Development Authority,
First Floor, ICADR Building, Plot No.6,
Vasanthkunj Institutional Area,
Phase II, New Delhi – 110 070.
8. The Assistant Engineer (Civil),
Lakshadweep Public Works Department,
Union Territory of Lakshadweep, Amini – 682 552.
9. The Managing Director and Chief Executive Officer,
NSDL e-Governance Infrastructure Limited,
1st Floor, Times Tower, Kamala Mills Compound,
Senapati Bapat Marg, Lower Parel,
Mumbai – 400 013.Respondents

**(By Advocates Mr.T.C.Krishna, Sr.PCGC [R 1, 3 & 7]
& Mr.S.Manu [R 2, 4-6 & 8])**

This Original Application having been heard on 10th January 2019, the Tribunal on 15th January 2019 delivered the following :

ORDER

HON'BLE Mr.E.K.BHARAT BHUSHAN, ADMINISTRATIVE MEMBER

A set of cases had been disposed of under O.A.No.181/13/2017 and connected matters through a common order. The demand in all these cases was for regular pension and for pensionary benefits as per the old Statutory Pension Scheme. These involved the demand on the part of the applicants who had subscribed to the New Pension Scheme, to migrate to the Old Pension Scheme. In common order pronounced on 17.12.2018, as part of the decision including also the refund of the contribution made by the employees and kept in NSDL, this Tribunal had ruled that a settlement of the entire issue may be undertaken by the respondents in line with the directions contained in O.M dated 11.10.2018 issued by the Department of Personnel and Training, Ministry of Personnel, Public Grievances and Pension. The said O.M provided clarification on modalities of transfer of New Pension Scheme contribution to their GPF Accounts.

2. The O.A being considered here ie. O.A.No.181/857/2017 is filed by persons belonging to the same category. The applicant in the case had been granted temporary status along with all casual labourers with effect from 1.9.1993. He attained superannuation on 31.3.2016 and has been paid his leave surrender benefits as also the contribution he made to the New Pension Scheme with interest accrued therein. Through the O.A he demand Provident Fund amount, due service gratuity, commuted value of pension with penal interest of 12% per annum etc.

3. Heard Shri.N.Unnikrishnan, learned counsel for the applicant, Shri.T.C.Krishna, Sr.PCGC learned counsel for the Respondent Nos.1, 3 & 7 and Shri.S.Manu, learned counsel for the Respondent Nos.2, 4-6 & 8. The O.M referred to above had been issued in the light of the confusion which prevailed on the subject. This Tribunal had directed in O.A.No.181/13/2017 as follows :

“34. After going through the submissions made by the applicants in the various O.As referred to and the reply of the respondents in respect of all cases, we see that the dispute is not of a uniform nature. Some of the applicants have withdrawn part of the money that they had deposited under the New Pension Scheme whereas some have not withdrawn any amount at all. As mandated under New Pension Scheme, the funds that were the employee's contribution, had been deposited by the employer with NSDL which was impleaded. Being a non-Government organization per se NSDL had raised some reservations on the question of jurisdiction of this Tribunal in so far as they are concerned.

35. Now as per Annexure MA1 and MA2 in O.A.No.77/2018, it is seen that the Department of Personnel and Training, Ministry of Personnel, Public Grievances and Pension has issued clarifications as to how the old pension cases of those initially put under New Pension Scheme are to be dealt with. It is also seen that as per Ministry of Home Affairs communication (Annexure MA3) in MA No.1303/2018 (OA No.77/2018) had requested the UT Administration to settle the matter as explained in the MA1 and MA2. We direct the respondents 2 to 8 to resolve all these cases within four months from the date of copy of this order. O.A.Nos.13/2017, 77/2018, 154/2018, 319/2018, 388/2018, 489/2018, 637/2018, 737/2018, 738/2018, 771/2018, 175/2017, 343/2017, 598/2017, 602/2017, 653/2017, 672/2017, 825/2017, 908/2017, 949/2017, 1031/2017, 1033/2017, 1034/2017, 1058/2017 and 1088/2016 are accordingly disposed of. No costs.”

4. In this case, apart from the pension and pensionary arrears, Shri.N.Unnikrishnan pointed out that there has been no mention about the Provident Fund and Service Gratuity that he is entitled to in the said O.M. In so far as Gratuity is concerned, we feel that it is already covered in the O.M referred to as under Rule 3(1)(r) of CCS (Pension) Rules, retirement benefits includes pension or service gratuity and retirement gratuity wherever admissible. GPF is also a claim which will be duly considered by the respondents as per the directions quoted above in O.A.No.181/13/2017 and connected cases.

5. We direct the respondents to apply the same yardstick to this O.A as well. The O.A is disposed of. The settlement of this case will also be done by the respondents within four months from the date of receipt of a copy of this order. The applicant will be free to approach this Tribunal, if any, residuary grievance remains. No costs.

(Dated ts the 15th day of January 2019)

**ASHISH KALIA
JUDICIAL MEMBER**

**E.K.BHARAT BHUSHAN
ADMINISTRATIVE MEMBER**

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List of Annexures in O.A.No.181/00857/2017

1. **Annexure A1** - A true copy of the Office Order F.No.3/13/2001-C3(2)/150 dated 30.1.2009 issued by the fifth respondent.
2. **Annexure A2** - A true copy of the Office Order F.No.WCPF104/ASD/2009/293 dated 31.3.2016 issued by the eight respondent.
3. **Annexure A3** - A true copy of the Letter F.No.PF-18/NPS/2016-PAO dated 5.4.2017.
4. **Annexure A4** - A true copy of the Order dated 1.7.2013 in O.A.No.949/2010 and O.A.No.746/2011.
5. **Annexure A5** - A true copy of the judgment dated 21.12.2015 in O.Ps(CAT) No.31/2014, No.32/2014 and No.42/2015.
6. **Annexure A6** - A true copy of the Office Memorandum No.49014/2/14-Estt. dated 26.2.2016.
7. **Annexure A7** - A true copy of the Office Memorandum No.49014/2/2014-Estt.(C) dated 28.7.2016 issued by the first respondent.
8. **Annexure A8** - A true copy of the Letter F.No.2/17/2011-SE/405 dated 28.3.2016.
9. **Annexure A9** - A true copy of the Casual Labourers (Grant of Temporary Status and Regularization) Scheme, 1993.
10. **Annexure A10** - A true copy of the representation dated 20.10.2017.
11. **Annexure R2(a)** - True copy of the Letter F.No.49/1/2016-F&A/2176 dated 15.6.2016 issued by the Lakshadweep Administration to the Ministry of Home Affairs.
12. **Annexure R2(b)** - True copy of the Letter F.No.49/1/2016-F&A/1559 dated 24.4.2017 issued by the Lakshadweep Administration to the Ministry of Home Affairs.
13. **Annexure R2(c)** - True copy of the Reminder Letter F.No.49/1/2016-F&A/2559 dated 27.6.2017 issued by the Lakshadweep Administration to the Ministry of Home Affairs.
14. **Annexure R2(d)** - True copy of the Reminder Letter F.No.49/1/2016-F&A/4058 dated 17.10.2017 issued by the Lakshadweep Administration to the Ministry of Home Affairs.
15. **Annexure R2(e)** - True copy of the PF MS dated 5.12.2017.
