

**Central Administrative Tribunal
Principal Bench, New Delhi**

OA No. 1227/2017

New Delhi this the 17th December, 2018

Hon'ble Sh. Pradeep Kumar, Member (A)

Sh. M. Pramodh Kumar
Age – 53 yrs.
Group 'B'
JTO-I (Radar)
Junior Technical Officer-I (Reader)
ARC Air Wing, Palam
New Delhi – 110037
R/o X-246 Sarojini Nagar
New Delhi – 110023. Applicant

(By Advocate : Sh. Ranjit Sharma)

Versus

Director
Aviation Research Centre
Director General of Security
Cabinet Secretariat
East Block – V, R.K. Puram
New Delhi – 110066

(By Advocate : Sh. Rajnish Prasad)

ORDER (ORAL)

In the instant case the applicant had been discharged from Indian Air Force on 03.03.1998 and, thereafter, applications were invited in 1999 for certain vacant posts and he was offered service by the respondents (Aviation Research Centre under Cabinet Secretariat) on 20.07.2004/13.08.2004 wherein he joined on 20.09.2004. The applicant is seeking to be covered under Old Pension Scheme, which was in force for all those who had joined Govt. Service prior to 31.12.2003. For those joining after 01.01.2004, they are to be covered under the New Pension Scheme. Applicant pleads that for the excessive time spent in seeking applications till offering appointment, he is not at fault and as such conditions prevailing, when applications were called, should apply and not those which were prevalent when he actually joined.

2. Heard the respective counsels at length. Respondents pleaded that exactly the same issue with the same respondents (Aviation Research Centre), was the subject matter of OA no. 1252/2017 wherein judgment was pronounced by Tribunal on 4.12.2018. The said OA was dismissed being devoid of merits and it was decided that the applicant will be covered under the New Pension Scheme Rules as were prevalent in August, 2004 when he had joined the Aviation Research Centre.

3. As regards the similarities of the circumstances of the applicant in the instant case with that of the applicant in OA no. 1252/2017, learned counsel for the instant applicant, is in agreement.

4. In view of foregoing, this OA is also dismissed being devoid of merits for the reasons already enunciated in OA No. 1252/2017. No costs.

(Pradeep Kumar)
Member (A)

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