

Central Administrative Tribunal
Principal Bench: New Delhi

OA No.4222/2018

Reserved on: 05.09.2019
Pronounced on: 12.09.2019

Hon'ble Ms. Aradhana Johri, Member (A)

1. Ms. Anjali Das d/o. Late Nilmoni Das
Aged about 65 years, Group B
R/o. 168, Rajdanga Gold Park,
Kolkata – 700 107.
2. Mr. Prithvi Raj Singh Chauhan
S/o. Sh. Udai Pal Singh Chauhan
Aged about 61 years, Group B
R/o. 202, Shiv Niwas, Plot No. 41,
Sector No. 44A, Seawoods, Nerul,
Navi Mumbai – 400 706.
3. Ms Usha Dwivedi d/o. Ram Lakhan Tripathi
Aged about 60 years, Group B
R/o. A-503, Marve Manor chs Malwani No. 1,
Lower Kharodi Malad (W),
Mumbai – 400 095.
4. Ms. Aruna Kumari Chauhan
D/o. Sh. Satyapal Singh Rathore,
Aged about 61 years, Group B,
R/o. 202, Shiv Niwas, Plot No. 41,
Sector No. 44 A, Seawoods, Nerul,
Navi Mumbai-400 706.
5. Ms. Sudha Shyamkumar
D/o. Late Rudra Varier
Aged about 60 years, Group B
R/o. B-801, Kanishka,
G.E. Links Ram Mandir Road,
Goregaon, Mumbai-400 104.
6. Ms. Sudha Sharma
D/o. Late Shankar Lal Sharma
Aged about 61 years, Group B
R/o. Flat No. 2, Ravi Shakun Apartment Building No.
7, Mira Baug Road, Santracruz (West),
Mumbai – 400 054.

7. Dr. Shya Narayan Shukla
 S/o. Sh. Rajaram Shukla
 Aged about 64 years, Group B
 R/o. B-7, Samrat, Jankalyan Nagar,
 Ganesh Mandir, Off Marve Road,
 Malad West, Mumbai.

8. Ms. Shagufta Rose
 D/o. Sh. Mohammad Zahirullah Khan
 Aged about 61 years, Group B,
 R/o. Kamal Kunj, CHS Ltd.,
 Flat No. 303, Plot No. 40,
 Sector-30, Kharghar, Navi Mumbai,
 Distt. Raighard, Mumbai-410 210.

9. Ms. Kamala Krishnamurthy
 D/o. Sh. E. A. Ramathan
 Aged about 68 years, Group B
 R/o. C-304, Westend River View,
 Nagras Road, Aundh, Pune,
 Maharashtra – 411 067.

10. Ms. Mira Sinha
 D/o. Late Lakshmi Narayan Nigam
 Aged about 76 years, Group B
 R/o. 701, Hemlock, Nyati Environ Lane No. 5,
 Tingre Nagar, Vishrantwadi, Pune-411 015.

11. Mr. Dina Natha,
 S/o. Late Jhunnu Ram,
 Aged about 61 years, Group B
 R/o. F-10, Nandini Society, Shivam Nagar,
 Hirawadi Road, Panchvati, Nasik-422 003.

12. Ms. Kamal Rajan Kulkarni,
 D/o. Sh. Prem Raj D. Soni,
 Aged about 67 years, Group B,
 R/o. A-10, Sharada Sankul Society,
 Patil Lane No. 4, College Road,
 Nasik – 422 005.

13. Ms. Shobha Gadi
 D/o. Late Ramdas Dhameeja
 Aged about 65 years, Group B
 R/o. Flat No. 11, Adheeshwar Apartments,
 No. 175, Habibullah Road, T-Nagar,
 Chennai – 600 017.

14. Ms. Ramani, G.
 D/o. Late A. R. Ganapathi Iyer,
 Aged about 65 years, Group B
 R/o. Flat No. 8, Third Floor,
 Chellam Flats, No. 53, First Avenue,
 Jawahar Nehru Road, Ashok Nagar,
 Chennai – 600 083.

15. Ms. M. Lola Moses
 D/o. Late M. K. R. Moses
 Aged about 62 years, Group B
 R/o. Qtr. No. Type-III/K, School Campus,
 New Bowen Pally, KV, AFS Begumpet,
 Secunderabad-2K, PIN-500 011.

16. Mr. C. C. Pandey
 S/o. Late Parmatma Ram Pandey
 Aged about 62 years, Group B,
 R/o. A-105, Vista Homes, Nagarjuna Nagar Colony,
 Kushtaguda, Hyderabad – 500 103.

17. Mr. P. Ramachandra Reddy
 S/o. Sh. P. Malla Reddy,
 Aged about 61 years, Group B
 R/o. 5/9/51/56, Kalyan Gardens, Sainikpuri
 Secundarabad – 500 094.

18. Mr. E. Rama Moorthy
 S/o. Late E. Reddeppa
 Aged about 60 years, Group B
 R/o. F-305, Lakshmi Towers, Macha Bolaru
 PS Secunderabad-500 010.

19. Ms. Sailaja Nayak,
 D/o. Late C. M. Pradhan,
 Aged about 62 years, Group B
 R/o. Shailaza villa, 3481/5986, Kapileswar Vihar,
 Lane-1, PO-GGP Colony,
 Bhubaneshwar – 751 025.

20. Ms. B. Sarojini Devi
 D/o. Sh. V. Papi Reddy
 Aged about 58 years, Group B,
 R/o. Plot No. 29, Sharada Nilayam,
 Image Gargen Road, VIP Hills, Madhapur,
 Hyderabad – 500 081.

21. Ms. Esther Nelson
 D/o. Mr. Charles Samuel
 Aged about 61 years, Group B
 R/o. Flat No. D801, Sunway Opus Grand,
 Neville, Ameenpur, Miyapur, Telengana-502 032.

22. Ms. Tatineni Uma
 D/o. Late Tatineni Prakasha Rao
 Aged about 68 years, Group B
 R/o. Plot No. 48, Sridurganagar,
 Anjalakuduru – 522 211,
 Tenali Mandal, Guntur.

23. Mr. D. Venkata Ranudu
 S/o. Late D. Appaiah
 Aged about 61 years, Group B
 R/o. 12/517-K5 Adarshnagar,
 Guntakal-515 801, Anantpur District, A.P.

24. Mr. V. Sanjeevan
 S/o. Sh. Chinaiah,
 Aged about 62 years, Group B,
 R/o. House No. 8-13-75/A,
 Raghavendra Nagar Colony,
 Opposite National Police Academy,
 Hyderabad – 500 052.

25. Ms. Manmohan Kaur,
 D/o. Sh. Gurjeet Singh
 Aged about 67 years, Group B
 R/o. A-22, Srinivas Heights – Adarshnagar,
 Upptal, Hyderabad – 500 039.

26. Ms. Lily Sarkar
 D/o. late Rabindranath Sircar
 Aged about 60 years, Group B
 R/o. Chhayanat, Calcutta Greens,
 Flat No. 4/9, HIG Phase-II, 1050/2,
 Survey Park, Kolkata – 700 075.

27. Mr. Tapan Guha Roy
 S/o. Late Ajit Kumar Guha Roy
 Aged about 63 years, Group B
 R/o. Nandanik Apartment, Flat No. 11,
 30 Lal Bahadur Shastri Road,
 Kolkata – 700 078.

28. Ms. Sonali Chopra
D/o. Late Sudhir Nath Mazumder
Aged about 70 years, Group B,
R/o. Kankinara Jute Mill,
Staff Qtr. Distt. North-24, Parganas – 743 126.
West Bengal.

29. Ms. Ratna Mukopadhyay
D/o. Sh. Ashim Kumar Chatterjee
Aged about 59 years, Group B
R/o. 48/8, Panchanantala Road,
Janani Apartment, Haridebpur,
Kolkata – 700 041.

30. Ms. Purabi Bhattacharjee,
D/o. Late K. P. Bhattacharjee,
Aged about 63 years, Group B
R/o. 1/S, Bhuban Mohan Roy Road, Shakher Bazar,
Kolkata – 700 008.

31. Mr. Mridul Kumar Dey
S/o. Late Makhan Lal Dey,
Aged about 63 years, Group B
R/o. Hashikunja, Anuragpur
PO Panagarh Bazar,
Dist. Burdwan – 713 418.

32. Mr. Swapan Kumar Dev,
S/o. Late Makhan Lal Dey,
Aged about 73 years, Group B
R/o. Hashikunja, Anuragpur
PO Panagarh Bazar,
Dist. Burdwan – 713 418.

33. Mr. Tarak Prasad Sinha Ray
S/o. Late Avimanyu Sinha Roy
Aged about 66 years, Group B
R/o. 7, Netaji Park, Shibtala Road,
PO-Arrah,
Distt Burdwan – 713 212.

34. Ms. Ila Saha
D/o. Late Lokenath Chandra Das
Aged about 62 years, Group B
R/o. 43, Anandapally, Mahamayatala
Kolkata – 700 084.

35. Mr. Chittaranjan Ghosh
 S/o. Late Ratan Chandra Ghosh
 Aged about 72 years, Group B
 R/o. South Kamrangu, PO Jhorehat,
 Distt. Howrah, West Bengal – 711 302.

36. Mr. Purnendu Roy s/o. Late Guiram Roy
 Aged about 62 years, Group B,
 R/o. Gopalpur, Uttarpara, Sanyasitala,
 Distt- Burdwan, West Bengal – 713 212.

37. Ms. Jayasree Sengupta
 D/o. Late Sudhanshu Sengupta
 Aged about 69 years, Group B
 R/o. 61/31, Moore Avenue, Regent Park,
 Kolkata – 700 040.

38. Mr. Bhagwan Sah
 S/o. Late Ayodhaya Prasad Sah
 Aged about 67 years, Group B
 R/o. House No. K-G-2/8, Nutanpally,
 Benachity, Durgapur, West Bengal – 713 213.

39. Mr. Kalidas Bhattacharjee
 S/o. Late Sidheswar Bhattacharjee
 Aged about 60 years, Group B
 R/o. 2E, Umiya Tower, Bhattacharjee Para,
 Lakuthi, PO-Barrackpore,
 Kolkata – 700 120.

40. Ms. Shyamasree Sarkar
 D/o. Late Sushil Chandra Pal
 Aged about 63 years, Group B,
 R/o. 62D, Santosh Roy Road,
 Kolkata – 700 008.

41. Mr. Paresh Chandra Nag
 S/o. Late Monoranjan Nag
 Aged about 72 years, Group B
 R/o. 50/1B, Prince Golam Hosen Shah Road,
 Jadavpur, Kolkata – 700 032.

42. Mr. Kazi Samsuizaman
 S/o. Kazi Abdul Hasib
 Aged about 64 years, Group B
 R/o. Moni Apartment, Flat No. CK,
 4th Floor, 17 (15/1), Ghoshpara Road,
 Barrackpore, Kolkata – 700 120.

43. Ms. Neela Das D/o. Late Subai Chandra Das,
 Aged about 66 years, Group B
 R/o. Rainbow Apartment, Flat No. CK,
 4th Floor, 17 (15/1), Ghoshpara Road,
 Barrackpore, Kolkata – 700 120.

44. Mr. Kajal Das S/o. Sh. Arabinda Das
 Aged about 68 years, Group B,
 R/o. Rainbow Apartment, Flat No. CK,
 4th Floor, 17 (15/1), Ghoshpara Road,
 Barrackpore, Kolkata – 700 120.

45. Mr. Kamal Kanti Roy Choudhury
 S/o. Late Subodh Chandra Roy Chowdhury
 Aged about 81 years, Group B
 R/o. AE-95, Rabindrapally. PO-Prafulla Kanan,
 Kolkata – 700 101.

46. Ms. Sagarika Chakraborty
 D/o. Late Kamalesh Chandra Mukherjee
 Aged about 62 years, Group B
 R/o. 4, Sight Manor, Flat-1A1, Block-A1,
 949 South Kumrakhali Road,
 Mahamayatala, Kolkata – 700 103.

47. Ms. Kabita Khasnobish
 D/o. Late Manoranjan Roy
 Aged about 63 years, Group B
 R/o. B-402, Regent Sagar Apartment,
 VIP Road, Raghunathpur, Kolkata – 700 059.

48. Ms. Ratna Nandi D/o. Late Nikhil Chandra Roy
 Aged about 71 years, Group B,
 R/o. 1/2A/1, Ramakrishna Naskar Lane,
 Beliaghata, Kolkata – 700 010.

49. Mr. Om Prakash Singh
 S/o. Sh. Mohan Singh
 Aged about 64 years, Group B
 R/o. 27/1/5 Padmapukur Road, PO-Fingapara,
 Rathatala, Kankinara, Dist.-North 24 Parganas,
 West Bengal – 743 129.

50. Mr. Madan Mohan Roy
 S/o. Late Sarat Chandra Roy
 Aged about 78 years, Group B
 R/o. PC-27 Arjunpur, Charaktala,
 Kolkata – 700 059.

51. Mr. Rahinder Kumar
S/o. Late Ram Chand
Aged about 62 years, Group B
R/o. Flat No. 15/B, Abhilasha Apartment,
Rabindranagar, Asansol, Burdwan – 713 304.

52. Ms. Anasuya Talukdar
D/o. Late Promotha Nath Sarkar
Aged about 70 years, Group B,
R/o. 34/1, B. N. Das Road, Hindmotor,
Hooghly-712 233.

53. Ms. Malika Mahalanabis
D/o. Late Hiranmoy Dutta
Aged about 73 years, Group B
R/o. N-402, Fortunr City,
155 Old Jessore Road,
PO- Ganganagar, Kolkata – 700 132.

54. Ms. Anju Bansal
D/o. Sh. Prabhu Dyal
Aged about 61 years, Group B
R/o. Gali Campacola Agency,
Near City Centre Mall,
Dalhousie Road, Pathankot-145 001.

55. Ms. Archana Rastogi
D/o. Late Ramkishen Rastogi
Aged about 62 years, Group B
R/o. A/546 First Floor, JDA Colony,
Malviya Nagar, Jaipur, Rajasthan-302 017.

56. Ms. Uma Sumedha
D/o. Sh. Appalaswami Thiparani
Aged about 70 years, Group B,
R/o. 13.2 Asha Officers Colony, RK Puram,
Secunderabad – 500 056.

57. Ms. Harshala Raghuram
D/o. Late R. Keshavdas
Aged about 70 years, Group B
R/o. No. 11, First Floor, Atria Villa Apartments,
Palace Guttahalli, Main Road,
Maleshwaram, Banagalore,

58. Ms. Sushila Choudhury
D/o Lt. Col. Chandra Bahadur Pradhan
Aged about 68 years, Group B
R/o House No.7B, Juripark Lane, By Lane-7,
Panjabari Road, Guwahati-781022.

59. Ms. D. Chatterjee
D/o Late Haripada Mallick
Aged about 67 years, Group B
R/o Hijli Cooperative Society,
Prembazar, IIT Kharagpur.

60. Mr. Santanu Bera
S/o Late Bankim Bihari Bera
Aged about 61 years, Group B
R/o Hijli Cooperative Society,
Prembazar, IIT Kharagpur.

61. Mr. Kankendu Ghosh
s/o Late B.L. Ghosh,
Aged about 68 years, Group B
R/o Kamla Cabin, IIT Kharagpur.

62. Ms. Mamata De
D/o late Satyendra Chingri,
Aged about 70 years, Group B
R/o DVC Market, Kharagpur.

63. Mr. F. Nath
S/o Late Ishwar Chandra Nath
Aged about 73 years, Group B
R/o Talbagicha, South North,
IIT Kharagpur.

64. Mr. P. Mali
S/o Late Gobardhan Mali,
Aged about 75 years, Group B
R/o Near Smasankali Mandir,
Malachana Road, Nimpura,
Kharagpur.

65. Ms. K. Sakuntala
D/o Late K.S. Rama Rao
Aged about 71 years, Group B
R/o South G Type, IIT Campus,
Kharagpur.

66. Mr. B.C. Mondol
S/o Late Maran Chandra Mondal,
Aged about 69 years, Group B
R/o Talbagicha, South,
Kharagpur.

67. Mr. B.B. Bagchi
S/o late P.K. Bagchi,
Aged about 69 years, Group B
R/o Inda Kharagpur.

68. Mr. G. Kondal Rao,
S/o Late G. Narayana
Aged about 60 years, Group B
R/o H.342A.238, Dewanmaro,
Nimpura, Kharagpur.

69. Mr. A.B. Mondal,
S/o Late Devendra Nath Mondal,
Aged about 70 years, Group B
R./o Talbagicha, Near Anukul Takur Mandir
Kharagpur.

70. Ms. Shukla Sarka
D/o Late S.K Gaha Niyogi,
Aged about 62 years, Group B
R/o Surda, Ghatsila.

71. Ms. Narinder Pal Kaur
D/o Late Sohan Singh
Aged about 64 years, Group B
R/o Flat No.302, Mantova Tower,
Omaxe Heights, Sector4-86,
Faridabad-121002, Haryana.

72. Ms. Indra Maliq
D/o Tikam Singh, Group B
Sector 5, House No.801,
Mohan Miken Society, Vasundhara
Ghaziabad, UP – 201012.

73. Ms. Suman Roy
D/o Late Hakim Singh Yadav
Aged about 67 years, Group B
B 904, Akshay Towers,
Near Euro School, Pink City Road,
Wakad, Pune – 411 057.

74. Ms. Lakshmi Naidu
 D/o Late Pendyala Rama Rao,
 Aged about 60 years, Group B
 Villa 62, Greencity,
 Near Apparel Export Park,
 Visakhapatnam, AP – 530046. ...Applicants

(By Advocate: Sh.Shiv K. Pandey with Mr. Chabbi Roy &
 Sh. Chandra Shekhar)

Versus

1. Union of India through Secretary,
 Ministry of Human Resources Development,
 Shastri Bhawan,
 New Delhi.
2. Kendriya Vidyalaya Sangathan
 Through its Commissioner,
 18, Institutional Area,
 Shaheed Jeet Singh Marg,
 New Delhi.
3. The Joint Commissioner (Admn.)
 Kendriya Vidyalaya Sangathan,
 18, Institutional Area,
 Shaheed Jeet Singh Marg,
 New Delhi. ...Respondents

(By Advocate: Sh.U.N. Singh)

O R D E R

The applicants are retired employees of Kendriya Vidyalaya Sangathan (KVS), who retired between the years 2002 to 2018. The changeover of KVS employees from the CPF Scheme to GPF-cum-Pension Scheme was introduced through O.M.F.No.152-1/79-80/KVS/Budget/Part-II dated 01.09.1988 by which employees were required to give options to continue under the CPF Scheme. If no option was received then they would be deemed to have come over

to the GPF-cum-Pension Scheme. Admittedly, the applicants gave their option before 31.01.1989 to continue in CPF Scheme (Para 4.12 of the OA). They have also taken all the payments due under this Scheme. Subsequently, they have changed their mind and now want to get the benefit of GPF-cum-Pension Scheme.

2. Though the applicants have admitted that they gave their options to continue in the CPF Scheme, but now they have prayed that the respondents be directed to treat them under GPF-cum-Pension Scheme and grant pensionary benefits under the GPF-cum-Pension Scheme. Though in the relief clause, the applicants have not challenged OM dated 01.09.1988 by which the Pension Scheme was introduced in the respondent organization-KVS but they have taken a plea that when Ministry of Personnel, Public Grievances and Pensions, Department of Pension and Pensioners' Welfare, Government of India had issued OM No.4/1/87-PIC-1 dated 01.05.1987 giving a cut-off date for options of 30.09.1987, then the respondent-KVS cannot illegally change that cut-off date since it is mutatis mutandis applicable to the KVS as well. Therefore, despite exercising option to remain under CPF Scheme by them, they should be allowed to switch over to the GPF-cum-

Pension Scheme since the options were given by them after 30.09.1987.

3. In support of their claim, the applicants have cited the following court rulings:-

- i) Union of India & Anr. Vs. S.L. Verma & Ors. [(2006) 12 SCC 53 – UOI vs. SL Verma;
- ii) *N.Subramanian vs. Kendriya Vidyal Sangathan* [WP (C) No.19215/2015 decided on 24.02.2017 by the Hon'ble High Court of Judicature at Madras].
- iii) *Kendriya Vidyal Sangathan vs. N.Subramanian* [SLP (Civil) Diary No(s). 10965/2018 decided on 18.02.2019.
- iv) R. Renuka Devi vs. KVS & Ors. [WP No.25354/ 2015 decided on 05.01.2017 by the Hon'ble High Court of Madras.]
- v) Jayaprakash Mishra vs. UOI & Ors. [OA No.330/203/2019 decided on 17.05.22019 by Allahabad Bench of C.A.T.)
- vi) M.S. Panwar vs. CAT & Ors. [D.B. CWP No.5976/2017 decided on 04.01.2018 by Hon'ble High Court of Judicature for Rajasthan at Jodhpur]
- vii) Amita Ajit Desai & Ors. vs. Union of India & Ors. [WP No.131/2017 decided on 17.01.2019 by Hon'ble High Court of Judicature at Bombay]
- viii) Commissioner, KVS & Anr. Vs. S.P. Tak [SLP (C) Diary No.(s)21776/2019 decided on 26.07.2019 by the Hon'ble Apex Court].

4. The respondents have denied the claim of the applicants. They have stated that KVS is an autonomous organization registered under the Societies of Registration Act, 1860. They have further stated that the Board of Governors takes policy decisions in this matter and the Central Government orders are not automatically applicable to the Sangathan until the Board of Governors approves it. The GPF-cum-Pension Scheme was adopted by

the KVS vide order dated 01.09.1988 under which the applicants were to give a specific option to continue in the CPF Scheme within the time limit stipulated in the Scheme itself. Therefore, they cannot go back on that since the option once exercised is final.

5. In support of their contention, the respondents have cited the ruling of Hon'ble Supreme Court in the case of ***KVS & Others vs. Jaspal Kaur & Another*** [2007(6) SCC 13]. Further, the issue of grant of one time permission to change over from CPF to GPF-cum-Pension Scheme was considered by Ministry of HRD in consultation with the Department of Expenditure vide their letter No.F.3-14/2012-UT-2 dated 07.04.2015, and the following decision was taken:-

“The employees of Kendriya Vidyalaya Sangathan who were in service as on 1.1.1986 and decided to opt for CPF made a conscious decision knowing well the option exercised is final. Grant of one more option to such CPF Subscribers in KVS could have repercussion elsewhere with such an option having to be extended to all other CPF beneficiaries as well whose number is quite substantial.

“In view of above position, the proposal of grant of one time permission for changing from CPF to GPC-cum-Pension Scheme for teaching and non-teaching staff of KVS is not agreed to.”

They have also stated that the rulings cited by the applicants in support of their claim do not apply in this case.

6. Heard Ms. Chabbi Roy, learned counsel for the applicants and Mr. U.N. Singh, learned counsel for the respondents. After making extensive oral arguments, learned counsel for the applicants has also filed written arguments along with certain court rulings, which have been referred above.

7. It is observed that KVS is an autonomous organization registered under the Societies of Registration Act and all the policy decisions are approved by the Board of Governors, which is the Apex Body of this organization. On perusal of the Department of Pension and Pensioners' Welfare OM dated 01.05.1987, it becomes clear that it is meant only for Central Government employees. The very subject of this OM reads as under:-

“Subject: Change over of the Central Government employees from the Contributory Provident Fund Scheme to Pension Scheme – Implementation of the recommendations of the Fourth Central Pay Commission.”

It can only apply to autonomous organizations once their respective governing bodies approve it. When the KVS Governing Body approved the said Scheme vide OM dated 01.09.1988, it is incomprehensible as to how the cut-off date for exercising options could have been 30.09.1987 i.e.

before the approval of the Board of Governors. The relevant part reads as follows:-

“3.2 The employees of the category mentioned above will, however, have an option to continue under the CPF Scheme, if they so desired. The option will have to be exercised and conveyed to the concerned Head of Office/Principal by 31.1.1989. In duplicate, in the form enclosed (one form may be sent to this office while the other kept with personal records of the employee concerned) if the employees wish to continue under the CPF Scheme. If no option is received by the Head of Office/ Principal by the above date and in this office through them by 28.02.1989 the employees will be deemed to have come over the Pension Scheme. The Head of Office/Principals are to forward in one lot options exercised by employees for retention of CPF Scheme received by them, to reach Sangathan’s office latest by 28.02.1989, where no option to continue under the CPF Scheme is received by them from any, a nil report be sent by due date viz. 28.2.1989.”

8. It is absolutely clear that employees of KVS could have exercised their option for continuing under the CPF Scheme which was to be exercised and conveyed by 31.01.1989 to the concerned Head of Office/Principal and to the Signatory of the OM by 28.02.1989, and in case no option was received then only the employees will be deemed to have come over to the GPF-cum-Pension Scheme. Admittedly, the applicants had exercised their option to continue in the CPF Scheme within the cut-off date as stipulated in OM dated 01.09.1988. Further, they have also taken their complete dues under the CPF Scheme.

9. I have also gone through the rulings cited by the applicants and find that in all those cases where the relief had been granted, no option had been given and, therefore, the concerned employee(s) were held to be deemed to have covered under the GPF-cum-Pension Scheme. This is not the case of the applicants in the instant OA, who had specifically exercised their option to remain in CPF Scheme.

10. The case of **Jaspal Kaur** (supra) relied upon by the respondents pertains to KVS – the same organization, which is the respondent in the current OA. In the said case, even though the direct option form to continue in CPF Scheme was not available, the entries in service book, Change in CPF number and inclusion of the names of respondents (KVS employees) and the fact that they were contributing towards the CPF, were held to be sufficient evidence of having exercised option by the respondents therein. It was further held that merely because the original documents relating to exercise of option was not produced that should not be a ground to ignore the ample materials produced to show exercise of option, and the appeal of KVS was allowed against allowing switchover to GPF-cum-Pension Scheme.

11. In view of the above discussion and in light of the observations made in the preceding paragraphs, the instant OA is dismissed being devoid of merits. There shall be no order as to costs.

(Aradhana Johri)
Member (A)

/Ahuja/