O.A. No.4502/2018

Tuesday, this the 24th day of September 2019

Hon'ble Ms. Nita Chowdhury, Member (A)

ML Dua, aged 74 years, 'C',
s/o late Sh. L.B. Dua,
Retired Lab. Assistant from KVS,
r/o 246-B, Govindpuri, Ranipur Mor,
Haridwari (UK)   - Applicant

(By Advocate: Mr. Yogesh Sharma)

Versus

1.   Union of India through the Secretary,
        Ministry of Human Resources Development,
        Shastri Bhawan, New Delhi

2.   Kendariya Vidyalaya Sangathan,
        Through the Commissioner,
        18, Institutional Area, Shahzed Jeet Singh Marg,
        New Delhi

3.   The Joint Commissioner (Trg./Fin.)
        Kendariya Vidyalaya Sangathan,
        18, Institutional Area, Shahzed Jeet Singh Marg,
        New Delhi   -Respondents

(By Advocates: Mr. S. Rajappa, Mr. Rajiv R. Raj and Mr. UN
Singh)

O R D E R (ORAL)

This Original Application (OA) has been filed by the

applicant seeking the following reliefs:-

> "(i)   That the Hon'ble Tribunal may further graciously be
>   pleased to pass an order declaring to the effect that
>   the whole action of the respondents not accepting
>   the request of the applicant for shifting them from
>   CPF scheme to GPF pension scheme is illegal,
>   arbitrary and discriminatory, as the applicant never
>   opted for continuing in CPF scheme after 1.1.1986
>   and consequently, pass directing the respondents to
>   treat the applicant as governed by GPF cum pension
>   scheme with all consequential benefits including

granting the service pension from the date of retirement with arrears and interest.

(ii)   Any other relief which the Hon'ble Tribunal deem fit and proper may also be granted to the applicant with the cost of litigation."

2.   When the matter is taken up, counsel for the applicant seeks to withdraw the OA with liberty to file afresh with better particulars.

3.   In view of the aforesaid limited prayer of the applicant, the OA is dismissed as withdrawn with the liberty as prayed for. However, we make it clear that delay, if any, shall be counted from the date of the order passed and the filing of the OA shall not extend the limitation in any way. No coss.

(Nita Chowdhury)
Member (A)

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