

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/01716 /2018

DATED THIS THE 27th DAY OF JUNE, 2019

HON'BLE DR. K.B. SURESH, MEMBER (J)

HON'BLE SHRI CV.SANKAR MEMBER (A)

Ms.Supriya N Pal,
D/o Late Narayan Das Pal
Aged about 56 years,
Working as Senior Director
Centre for Development of
Advanced Computing
C-DAC Knowledge Park
No.1,Old Madras Road,
Byappannahalli,
Bangalore 560038.
Residing at Flat No.2B,
Palancina Apartments
43, MEG Officers Colony,
Banaswadi Road
Bangalore 560033

...Applicant

(By Shri PM.Nayak....Advocate)

Vs.

1. Government of India,
By its Secretary,
Department of Information Technology (Deity),
Ministry of Electronics and
Information Technology,
Electronics Nikethan,
6, CGO Complex,
Lodi Road, New Delhi 110 001.

2.The Director General,
Centre for Development of Advanced
Computing (C-DAC),
Pune University Campus,

Ganesh Khind, Pune 411 007.

3.The Executive Director ,
Centre for Development of Advanced
Computing (C-DAC),
Bangalore Centre C-DAC Knowledge Park,
No.1,Old Madras Road,
Byappannahalli,
Bangalore 560038.

.....Respondents

(By Shri S.Sugumaran, ACGSC for R-1)
Shri GL.Ganga Prasad for R-2&3)

ORDER (ORAL)

HON'BLE DR K.B.SURESH, MEMBER (J)

1. Both sides submit that the matter is covered by our order in
OA.No.747 -748/2015 dated 20.4.2017 which we quote:-

"MA.173/2017 for seeking permission to file additional rejoinder is allowed.

OA

1. *The original application is filed seeking the following reliefs:-*

"b) to issue writ of Certiorari and thereby set aside the speaking order vide No.CORP:DG:1953 dated 29.12.2014, issued by the third respondent as at Annexure-A5 to this application in so far as the applicants are concerned"....

2. *When the matter was taken up for consideration today the learned counsel on both sides request this Tribunal to dispose of this OA in terms of the decision passed by the Mumbai Bench of this Tribunal vide order dated 27.2.2017 in OA.161/2015. It is submitted by both sides that the issue in the present case is similar to the issue in the disposed of OA.161/2015. The applicants are aggrieved by the actions of the respondents in rejecting their*

prayer for availing the option for switching over from CPF scheme to GPF-cum-Pension Scheme. They have prayed for a direction from this Tribunal to the respondents to accept the exercise of the second option to switch over to GPF-cum-Pension Scheme and consequently grant pension to them from their respective dates of retirement.

3. *The operative portion of the order passed by the Mumbai Bench in OA.161/2015 is extracted below:-*

“19.In view of the above, the OA is partly allowed. The respondents are directed to accept the applicants' second option to switch over to the GPF-cum-Pension Scheme and pass necessary orders granting the benefit of GPF and pension to them from the dates of their respective retirement within 12 weeks from the date of receipt of this Tribunal's order. The modalities of adjusting the CPF contribution already refunded to the applicants through the interim order of this Tribunal will have to be worked out as per Rules and should form a part of the new order.

20. No order as to costs.”

4. *In the aforesaid facts and circumstances, this OA is disposed of in terms of directions issued in OA.161/2015. There will be a direction to the respondents to accept the applicants' second option to switch over to the GPF-cum-Pension Scheme and grant pension to them from the dates of their respective retirement.*

5. *OA is disposed of accordingly. No order as to costs. “*

2. Therefore, we hold that to the extent what is allowed in the earlier OA, benefits to be made available to the applicant herein also. This may be done within the next 2 months. OA is allowed to this extent. No order as to costs.

The delay is condoned.

(CV.SANKAR)
MEMBER (A)

(DR. K.B. SURESH)
MEMBER (J)

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Annexures referred to by the applicant in OA No.1716/2018

Annexure A1: Copy of representation dated 3.8.2006

Annexure A2: Copy of the representation dated 11.8.2006

Annexure A3: Copy of the letter dated 22.1.2012

Annexure A4: Copy of the order dated 29.12.2014

Annexure A5: Copy of the order of CAT dated 27.2.2017 in OA.161/2015 of Bombay Bench.

Annexure A6: Copy of the order of CAT OA.No.747 -748/2015 dated 20.4.2017

Annexure A7: Copy of the office order dated 9.2.2018

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