

Central Administrative Tribunal
Prinipal Bench

O.A. No.3132/2003

New Delhi this the 30th day of December, 2003

Hon'ble Shri V.K. Majotra, Vice-Chairman (A)

Dr. V.K.Verma
Ex-Reader
A&U Tibbia College,
Karol Bagh, New Delhi
R/o WZ-1550 Nangal Raya,
New Delhi-110046.

-Applicant

(By Advocate: Shri S.D. Raturi)

Versus

1. Hon'ble Lt. Governor of Delhi
Govt. of NCT of Delhi
Rajpur Road, Delhi.
2. Govt. of NCT of Delhi,
through its
Chief Secretary Govt.
Delhi Secretariat, I.P.Estate,
New Delhi-110002.
3. Principal Secretary,
Health and Family Welfare,
Govt. of NCT of Delhi,
Delhi Secretariat,
I.P.Estate, New Delhi-110002.
4. The Director of I.S.M.&H.
A&U, Tibbia College,
Campus, Karol Bagh,
New Delhi-110005.
5. Joint Director of I.S.M.&H., H.O.O.
A&U, Tibbia College,
Campus, Karol Bagh,
New Delhi-110005.

-Respondents

ORDER (Oral)

Hon'ble Shri V.K. Majotra, Vice-Chairman (A)

By virtue of this application, applicant has challenged the act of the respondents in not finalising the pension case of the applicant who superannuated on 30.6.2001 and later on was granted extension of service for a period of one year, i.e., he stayed in service of A&U Tibbia College upto

30.6.2002. Regulations of Tibbia College were amended vide Notification (Annexure A-12) dated 21.7.1997. Regulation 15-D (2) states as follows:-

"TRANSFER OF ACCUMULATIONS IN
CONTRIBUTORY OR NON-CONTRIBUTORY
PROVIDENT FUND/EMPLOYEES PROVIDENT FUND:

If an employee admitted to the benefit to the Fund was previously a subscriber to any contributory/non-contributory Provident Fund/Employees Provident Fund of the Central Government/State Government or of a body corporate, owned or controlled by Government or an autonomous organisation registered under the Societies Registration Act, 1860 (21 of 1860), the amount of the subscription and employer's contribution together with interest thereon shall be credited to the account of the Board and not to the account of the employee".

2. Learned counsel pointed out that as per Regulation 15-C under clause (c) of Section 16 of Tibbia College Act, 1952 employees who had completed more than three years service were required to subscribe 8.33% of their salary to the Contributory Provident Fund. This Contributory Provident Fund was transferred to the Employees Provident Fund Commissioner w.e.f. 1.4.1982. Later in 1995, Employees Pension Scheme came into force w.e.f. 16.11.95. Under this Scheme Employer's share of contribution was converted into pension payable to the members. Applicant, as such, was granted a pension of Rs.240/- per month. Later on, Regulation 15-D General Provident Fund-cum-Pension-cum-Gratuity Scheme was promulgated after Regulation 15-C by amending Clause (C) of Section 16 of Tibbia College Act, 1952. Thus, employees of Tibbia College have become the employees of Govt. of Delhi and also entitled to rights and

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privileges such as pension, gratuity etc. Learned counsel stated that applicant had deposited a sum of Rs.33,244/- including interest @ 8.5% on 12.11.2003 with the Regional Provident Fund Commissioner. Despite several representations, respondents have yet not accorded the applicant benefits of pension, gratuity, GPF and other pensionary benefits.

3. Having stock of the contentions raised before me, in my considered view, it would be appropriate at this stage itself to direct the respondents, whose rights shall not be prejudiced in any manner to treat this OA as a comprehensive representation of the applicant and to decide applicant's claims made therein in terms of the extant rules and instructions on the subject as also the decision of Courts in the matter by passing a reasoned and speaking order, as per law, within a period of 45 days from the date of receipt of a copy of this order. Ordered accordingly. Needless to say that applicant shall have liberty to take legal recourse on remaining aggrieved.

V.K. Majotra

(V.K. Majotra)
Vice-Chairman (A)

cc.