

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

**O.A No. 2912/2018 In
M.A No. 3856/2019**

This the 18th day of December, 2019



**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)**

Dr. V. D. Arya
S/o. Ramesh Chander Arya
Aged about 62 years,
PGT, Biology (Retd.),
Kendriya Vidyalaya, Andrews Ganj, New Delhi.
R/o. A-13, Second Floor,
Jawahar Park Colony, Devli Road, Khanpur,
New Delhi – 110 080.Applicant

(By Advocate : Mr. C. Bheemanna)

Versus

1. The Commissioner
Kendriya Vidyalaya Sangathan
18, Institutional Area,
Shaheed Jeet Singh Marg, New Delhi – 110 016.
2. The Dy. Commissioner
Kendriya Vidyalaya Sangathan,
Delhi Region, JNU Campus,
New Mehrauli Road,
New Delhi – 110 067. ...Respondents

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

O R D E R (ORAL)

Justice L. Narasimha Reddy, Chairman :

The applicant retired as a Post Graduate Teacher (Biology) in the KVS. The CPF alone existed in the Organisation till the GPF was introduced in the year 1988. The proceedings were issued to the effect that it shall be



open to the employees to choose to be continued under CPF or to opt for GPF and in case no option is exercised, the employee shall be brought under GPF. The applicant states that he submitted an application opting to be covered by CPF on 25.02.1989 but, the same was rejected by the administration through order dated 26.07.1989 on the ground that it was submitted after the last date namely on 31.01.1989. The grievance of the applicant is that, though, he was to be covered by the GPF, the benefit thereunder is not extended to him, and he is being treated under CPF.

2. The respondents filed counter affidavit opposing the O.A. It is stated that once the applicant has filed the option form choosing to be governed by CPF, he cannot be brought under the purview of GPF.

3. The applicant has filed rejoinder.

4. We heard Mr. C. Bheemanna, learned counsel for applicant and Mr. U.N. Singh, learned counsel for respondents.

5. The circumstances under which an employee of KVS can be brought under the CPF or GPF were dealt with by this Tribunal in O.A No. 1999/2014 and batch in some



detail. The order passed therein was upheld by the Hon'ble High Court of Delhi in W.P. (C) No. 10527/2019 and it is submitted that the Hon'ble Supreme Court has also confirmed the same.

6. Gist of the adjudication therein is that if an employee did not file any form of option, within a stipulated time, he stands automatically brought under the GPF and the administration cannot refuse to extend the benefit there under.

7. In the instant case, the applicant, no doubt exercised the option to be under CPF. However, it was rejected through letter dated 26.07.1989, which reads as under :-

“Reference to the above subject communication number F.P.F/KVS/89-90/235 dated 29.06.89, the Option form dated 25.02.1989 of Shri V. D. Arya has been received. The Option Form was required to be submitted before 31.01.89 to the KVS (HQ). All Option Forms received after the last date are rejected and such employees have been allotted General Provident Fund account Numbers.”

8. Apart from rejecting the option exercised by the applicant on the ground that the form was submitted after the due date, the administration has informed the applicant that he is brought under GPF. With that, the entire issue got clinched. It is not open to the respondents to plead otherwise.

9. Hence, the O.A is allowed. The respondents shall extend the benefit of the GPF to the applicant, within a period of three months from the date of receipt of a copy of this order. There shall be no order as to costs.



(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/Mbt/