

(2022) 07 CAT CK 0019

In the Central Administrative Tribunal

Case No : Original Application No. 180, 00372 Of 2022

Ajith P

APPELLANT

Vs

Union Of India & Others

RESPONDENT

Date of Decision : 15-07-2022

Acts Referred:

Citation : (2022) 07 CAT CK 0019

Hon'ble Judges : K. V. Eapen, Member (A)

Bench : Single Bench

Advocate : C.R. Suresh Kumar, E.N.Hari Menon

Final Decision : Disposed Of

Judgement

K.V. Eapen, Member A

1. The applicants have filed the O.A seeking the following main reliefs:-

"1. To issue an order directing the 2nd respondent/authority to issue appropriate orders within a time frame, to include the applicant in the CCS (Pension) Rules, 1972 and as amended.

2. To issue an order directing the 3rd and 4th respondents, to carry out appropriate entries in the official records of the applicant without further causing any delay.

3. To issue such other orders, which are proper to the Hon'ble Tribunal in this case."

2. Brief facts of the case are as follows:

Applicant is working as AE(CIV) in GE, AF Trivandrum under the 2nd respondent. The applicant who has applied for Deputation Cum Re-employment (DCRE) under 2nd respondent, was selected from Army and appointed as JE(CIV) on 07.01.2004. He was placed under the New Pension Scheme (NPS). As per the Office Memorandum dated 17.02.2020 it is submitted that the applicant is

eligible for being considered under CCS (Pension) Rules as against New Pension Scheme. Due to non-consideration of his application for the same, the Hon'ble Ahmedabad Bench of CAT directed to consider his case, and he was included in the eligible category of the old pension scheme as opted by him. However, though the recommendation of the Board of Officers reached the 2nd respondent, no orders have been passed. Aggrieved by the non-consideration of Annexure-A8 the applicant has approached this Tribunal.

3. Heard counsel for the applicant.

4. It appears from the facts of the case presented in O.A. that the applicant has applied for being considered under the CCS(Pension) Rules, as against the New Pension Scheme. In this connection, he has also brought to notice orders in this case passed by the CAT, Ahmedabad Bench at the time when he was posted at Ahmedabad, where directions have been given to the respondents to consider and decide pending representation of the applicant on the subject of coverage under the CCS (Pension) Rules, 1972 in place of the New Pension Scheme, in the light of the O.M. by the Department of Pension and PW dated 17.02.2020. After this it appears also that the Chief Engineer, Southern Command, Pune has written a letter to him informing him that his case for applicability under the New Pension Scheme in terms of the O.M.No.57/04/2019-P&PW(B) dated 17.02.2020 has been considered by the competent authority through Board of Officers convened by the Head Quarters and has been recommended by them. It is stated that the case has been forwarded to Engineer in Chief's Branch, being the competent authority. After this letter was issued on 11.09.2021, no further intimation has been given to the applicant in this regard. He has made a representation which has been produced as Annexure-A8 relating to this addressed to the Engineer-in-Chief's Branch, Directorate General(Personnel), MES, New Delhi, but there has been no response from the authority concerned. He has also submitted reminders as Annexure-A9 and Annexure-A10. In view of the above circumstances, it is felt that the matter can be settled by directing the respondent ie; the Engineer-in-Chief, Directorate General (Personnel), Military Engineer Services, New Delhi to consider the representation at Annexure-A8 submitted by the applicant and to take a decision in this regard.

6. Hence, the matter is disposed of with a direction to the respondent ie; Engineer-in-Chief, Directorate General (Personnel), Military Engineer Services, New Delhi to consider Annexure-A8 representation submitted by the applicant within a period of two months from the date of issue of this order and to take a decision in this regard within this period. The applicant may be informed about the decision taken. The O.A is disposed of as above. No order as to costs.

(Dated, 15th July, 2022.)