

**(2022) 01 CAT CK 0004**

**In the Central Administrative Tribunal**

**Case No :** Original Application No. 181, 00006 Of 2022

Faizal F.M

APPELLANT

Vs

Union Of India & Others

RESPONDENT

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**Date of Decision :** 06-01-2022

**Acts Referred:**

**Citation :** (2022) 01 CAT CK 0004

**Hon'ble Judges :** P. Madhavan, Member (J); K.V. Eapen, Member (A)

**Bench :** Division Bench

**Advocate :** Saiby Jose Kidangoor, O M Shalina, Sreekala K L

**Final Decision :** Disposed Of

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## **Judgement**

P.Madhavan, Member J

1. This Original Application has been filed by the applicant seeking the following reliefs:

â??(i) Declare that the applicant is eligible for the coverage of Central Civil Service (Pension) Rules 1972 in the light of Annexure A4

Office memorandum.

(ii) Direct the 2nd respondent to permit the applicant to opt for the coverage of Central Civil Service (Pension) Rules 1972 instead of

National Pension Scheme

(iii) Direct the 2nd respondent to consider and pass appropriate orders on Annexure A5 representation after affording an opportunity of

hearing to the applicant.

(iv) Grant such other reliefs that this Hon'ble Tribunal deem fit to grant under the facts and circumstances of the case.

(v) Grant the cost of the Original Application.â??

2. The brief facts of the case are as follows:

The applicant is presently working as Junior Engineer in LPWD Lakshadweep at Amini. The notification for the selection for the post of Junior

Engineer was issued on 16.03.2002 and the final list of the selected candidates was published on 28.5.2002 but the appointment was only completed in

the year 2005. Due to the court proceedings and other administrative reasons the appointment got delayed and he got covered under the National

Pension System instead of Central Civil Service (Pension) Rules 1972. In this regard, he had submitted Annexure A5 representation before the

Competent Authority. He is aggrieved by the non-consideration of Annexure A5 representation. He has approached this Tribunal praying for the

above reliefs.

3. When the matter came up for consideration, it appears that Annexure A5 representation showing the details of the grievances of applicant is still

pending before the Competent Authority.

4. Adv. Ms. O. M. Shalina, SCGSC takes notice on behalf of the respondent no. 1 and Adv. Ms. Sreekala K.L takes notice on behalf of the

respondent no. 2.

5. In view of the pendency of representation, Competent Authority is directed to consider Annexure A5 representation in the light of

relevant rules and regulations and pass a speaking order within a period of three months from the date of receipt of a copy of this

order.

6. The O.A is disposed of as above at the admission stage itself. No costs.