

(2019) 05 CAT CK 0027

In the Central Administrative Tribunal

Case No : Original Application No. 1392 Of 2019

Palepuvenkata Vijayaprasanna

APPELLANT

Vs

Kendriya Vidyalaya Sangathan

RESPONDENT

Date of Decision : 03-05-2019

Acts Referred:

Citation : (2019) 05 CAT CK 0027

Hon'ble Judges : Ashish Kalia, J

Bench : Single Bench

Advocate : Yogesh Sharma

Final Decision : Disposed Off

Judgement

Ashish Kalia, J

1. The applicant has filed this Original Application seeking following reliefs:-

"(i) That the Hon'ble Tribunal may further graciously be pleased to pass an order declaring to the effect that the whole action of the respondents applying the CPF Scheme on the applicant on her fresh appointment as PGT as well as Principal on 04.7.2003 is void-ab-initio as in the year 2003 CPF Scheme was not in operation for fresh appointment and consequently, pass an order directing the respondents to treat the applicant as governed by GPF cum pension scheme with all consequential benefits including the arrears of pension from the date of retirement with interest.

(ii) That the Hon'ble Tribunal may further graciously be pleased to pass an order dictating the respondents to adjust the CPF paid to the applicant in the GPF.

(iii) Any other relief which the Hon'ble Tribunal deem fit and proper may also be granted to the applicant with the cost of litigation."

2. The brief facts of the case are:-

(i) The applicant was initially appointed as Primary Teacher with Kendariya

Vidyalaya Sangathan (KVS) on 22.08.1984.

(ii) Thereafter, the applicant was appointed to the post of PGT (Biology) on 24.09.1987 on direct recruitment basis. He was further promoted to the post of Principal on 04.07.2003 on direct recruitment basis and was retired from the same post, as principal on 31.03.2019 while posted in K.V. AFS, Begumpet.

(iii) Prior to 01.01.1986, KVS was having Contributory Provident Fund (CPF) Scheme and it did not have any Pension Scheme for its employee. Pursuant to the 4th CPC recommendations, General Provident Fund (GPF) Scheme coupled with Pension Scheme was implemented in KVS, w.e.f., 01.01.1986. All the CPF beneficiaries, who were in service on 01.01.1986 on the date of issue of this order, i.e., 01.05.1987 will be deemed to have come over to the Pension Scheme.

(iv) As the applicant was appointed as PGT on 24.09.1987 on direct recruitment basis and further appointed as Principal of KVS on direct recruitment basis w.e.f. 04.07.2003. Therefore, the applicant deemed to be governed by GPF scheme.

(v) During the course of argument, this Tribunal has put-forth a query to the counsel for applicant whether the applicant has received any payment under the CPF scheme. He disclosed at the bar that applicant has received payment towards pensionary benefits under CPF scheme but the fact remains that he is entitled to GPF scheme as applicable to his case because he was appointed on 24.09.1987 and CPF Scheme was not in existence.

3. Feeling aggrieved by this action by the respondents for not granting him the benefits GPF-cum-Pension Scheme, he has approached this Tribunal by relying on the judgement passed in OA 4592/2015 (Annexure: A/8) along with the other matters, whereby this Tribunal has decided as under:-

"10. In view of the discussions in the foregoing paras and for the reasons given therein, the OA is allowed. The respondents are directed to extend the benefits of the Pension Scheme to the applicant considering his appointment as Principal on direct recruitment basis w.e.f. 14.08.2002. This shall be done within a period of three months from the date of receipt of a certified copy of this order. It is also made clear that the applicant shall not be entitled to any interest on the arrears of the pension payable to him."

4. In view of the above decision by this Tribunal which is covering the case of the applicant herein. On the perusal of records, it was found that representation which is preferred by the Department of Joint Commissioner on 23.01.2019, which has been pending till date.

5. This Tribunal is of the view that this matter can be decided at admission stage with direction of Joint Commissioner to decide the representation of the applicant in view of the above within the period of 90 days. The OA is disposed of. No order as to costs.