

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 7648 of 2014

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Vinay Shankar Prasad Singh, S/of Late Jugeshwar Prasad Singh, resident of village & P.O.- Birsinghpur, P.S. Kalyanpur, District- Samastipur (Bihar), retired Principal (Grade-II) Kendriya Vidyalaya, I.T.I. Campus, Deoria (U.P.).

.... Petitioner

Versus

1. The Union of India, through the Secretary to the Government of India, Ministry of Human Resources Development, Department of Education, Palika Place, R.K. Puram, New Delhi- 110001.
2. The Commissioner, Kendriya Vidyalaya Sangathan, 18, Institutional Area, Shaheed Jeet Singh Marg, New Delhi-16.
3. The Senior Audit & Accounts Officer, Kendriya Vidyalaya Sangathan, 18, Institutional Area, Shaheed Jeet Singh Marg, New Delhi-16.
4. The Assistant Commissioner, Kendriya Vidyalaya Sangathan, Regional Office, P.O.- Lohia Nagar, Kankarbagh, Patna-80020 (Bihar)
5. The Principal, Kendriya Vidyalaya, Deoria (U.P.)

.... Respondents

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Appearance :

For the Petitioner

: Mr. Dharendra Kumar Jha &
Mr. Amrendra Kumar, Advocates.

For the Kendriya Vidyalaya Sangathan : Mr. Kumar Ravish, Advocate.

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

And

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 15-03-2016

Heard learned counsel for the petitioner and Mr. Kumar

Ravish appearing on behalf of the Kendriya Vidyalaya Sangathan.

The present writ petition is directed against the order of the Central Administrative Tribunal, Patna Bench, Patna dated 08.10.2013, passed in O.A. No. 11 of 2013, by which the Original Application of the petitioner for change of his retirement benefit plan from C.P.F. to G.P.F. has not been acceded to.

We have heard learned counsel for the parties, and with their consent, are disposing of this writ petition at this stage itself.

There is no dispute that the petitioner got employment as a teacher in the Kendriya Vidyalaya Sangathan in the year 1974 and ultimately superannuated on 31.08.2005 as Principal Grade-II. Just before the superannuation in the year 2004, he wrote to the authorities that his C.P.F. contribution should be converted to G.P.F., inasmuch as, he was under C.P.F., account and the emoluments received on retirement were not commensurate to the service and the pension, that he would otherwise get. No action was taken and he superannuated and ultimately in 2006 his request was rejected on the ground that in 1988 an option was given to the employees of Kendriya Vidyalaya Sangathan to change their option from C.P.F. to G.P.F. In that itself it was stated that those who make no option they would automatically switch from C.P.F. to G.P.F. From this, we can clearly infer that had the petitioner not given option to continue in C.P.F., he would have automatically migrated to G.P.F., and, hence, would get pension after retirement, but on his own admission in the letter of 2004, is that, he is continuing in C.P.F., which shows that he had consciously opted for C.P.F., but now realizing or apprehending disadvantage wanted change.

Be that as it may, petitioner's own admission being that

in 2004, he was continuing in C.P.F. and there being a time limit fixed in the circular of 01.09.1988 giving option to change last date being 28.02.1989, the request for change as made by the petitioner in the year 2004, could not be considered and rightly the Tribunal rejected his application.

We see no reason to interfere with the order of the Tribunal. The Tribunal has committed no error. This writ petition is, accordingly, dismissed.

(Navaniti Prasad Singh, J.)

(Nilu Agrawal, J.)

Rajiv/Rajesh

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