

**THIRTY-SECOND REPORT
COMMITTEE ON PETITIONS
(SEVENTEENTH LOK SABHA)**

**MINISTRY OF EDUCATION
(DEPARTMENT OF SCHOOL EDUCATION & LITERACY)
AND
MINISTRY OF FINANCE
(DEPARTMENT OF EXPENDITURE)**

(Presented to Lok Sabha on 02.08.2022)



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COMPOSITION OF THE COMMITTEE ON PETITIONS

Shri Harish Dwivedi - *Chairperson*

MEMBERS

2. Shri Anto Antony
3. Shri Hanuman Beniwal
4. Dr. Sukanta Majumdar
5. Shri Sanjay Sadashivrao Mandlik
6. Shri P. Ravindhranath
7. Shri Brijendra Singh
8. Shri Sushil Kumar Singh
9. Shri Manoj Tiwari
10. Shri Prabhubhai Nagarbhai Vasava
11. Shri Rajan Vichare
12. Shri Arvind Sawant
13. Vacant
14. Vacant
15. Vacant

SECRETARIAT

1. Shri T.G. Chandrasekhar - Additional Secretary
2. Shri Raju Srivastava - Director
3. Shri G. C. Dobhal - Additional Director
4. Shri Anand Kumar Hansda - Assistant Executive Officer

**THIRTY-SECOND REPORT OF THE COMMITTEE ON PETITIONS
(SEVENTEENTH LOK SABHA)**

INTRODUCTION

I, the Chairperson, Committee on Petitions, having been authorised by the Committee to present on their behalf, this Thirty-Second Report (Seventeenth Lok Sabha) of the Committee to the House on the representations of S/Shri Yogendra Sharma, Rahul Singh, Yogendra Bhakta, S. Kannan, Smt. K. Manjula and other individuals/Associations forwarded by Members of Parliament requesting to cover the employees of Navodaya Vidyalaya Samiti/Jawahar Navodaya Vidyalaya (*erstwhile* Model School) who joined their services before 1 January, 2004 under the Central Civil Services (Pension) Rules, 1972.

2. The Committee considered and adopted the draft Thirty-Second Report at their sitting held on 19 May, 2022.
3. The observations/recommendations of the Committee on the above matters have been included in the Report.

NEW DELHI;

HARISH DWIVEDI,
Chairperson,
Committee on Petitions.

19 May, 2022

28 Vaishaka, 1944 (Saka)

REPORT

REPRESENTATIONS OF S/SHRI YOGENDRA SHARMA, RAHUL SINGH, YOGENDRA BHAKTA, S. KANNAN, SMT. K. MANJULA AND OTHER INDIVIDUALS/ ASSOCIATIONS FORWARDED BY MEMBERS OF PARLIAMENT REQUESTING TO COVER THE EMPLOYEES OF NAVODAYA VIDYALAYA SAMITI/ JAWAHAR NAVODAYA VIDYALAYA (ERSTWHILE MODEL SCHOOL) WHO JOINED THEIR SERVICES BEFORE 1 JANUARY, 2004 UNDER THE CENTRAL CIVIL SERVICES (PENSION) RULES, 1972.

S/Shri Yogendra Sharma, Rahul Singh, Yogendra Bhakta, S. Kannan, Smt. K. Manjula and other Individuals/Associations had submitted several representations through Members of Parliament to the Committee on Petitions, Lok Sabha requesting to cover the employees of Navodaya Vidyalaya Samiti/Jawahar Navodaya Vidyalaya (*erstwhile* Model School) who joined their services before 1 January, 2004 under the Central Civil Services (Pension) Rules, 1972 (*Annexure-I*).

2. The representationists, in their representations, *inter-alia* brought out the following facts in relation to their grievances, before the Committee:-

- (i) In pursuance of the National Policy on Education, 1986, Jawahar Navodaya Vidyalayas (JNV) were established under the Ministry of Human Resource Development (Government of India) with following major objectives:-
 - (a) To provide good quality modern education including a strong component of culture, inculcation of values, awareness of the environment, adventure activities and physical education to the talented children predominantly from the rural areas;
 - (b) To ensure that students attain a reasonable level of competence in three languages;
 - (c) To promote national integration through migration of students from one place to another; and
 - (d) To serve, in each District, as focal points for improvement in the quality of school education in general, through sharing of experiences and facilities.

- (ii) On 28.10.1985, two Model Schools, one at Amravati in Maharashtra and one at Jhajjar in Haryana were sanctioned and set up by the Ministry of Human Resource Development and the requisite funds were sanctioned for the National Council of Educational Research and Training (NCERT) to run these Schools, which were later renamed as Jawahar Navodaya Vidyalayas (JNV). Posts required to run these Vidyalayas have also been sanctioned *vide* letter dated 28.20.1985.
- (iii) As per Government of India Office Memorandum dated 01.05.1987, Central Government employees as on roll against the sanctioned posts as on 1.1.1986 were covered under CCS (Pension) Rules, 1972 unless they themselves opted otherwise.
- (iv) The Officers who initially came to NVS on deputation and have qualified for CCS Pension from their parent Department, were not interested in introducing Government of India's Pension Scheme to the NVS. They arbitrarily and unthinkingly decided to implement CPF in the organization to cater to their vested interests, keeping the regular employees in dark, as no such option was sought from the employees of JNVs before implementing CPF Scheme instead of GPF-cum-Pension Scheme.
- (v) In the year 2006, the Commissioner, NVS wrote to the Secretary of Sixth Pay Commission with all supporting documents demanding Government of India Pension to Jawahar Navodaya Vidyalaya Employees who joined service prior to 01.01.2004.
- (vi) The 154th and 184th Parliamentary Standing Committees have categorically highlighted the discrimination towards the employee of NVS when compared to the sister concern like Kendriya Vidyalaya Sangathan and strongly recommended grant of CCS Pension Scheme to NVS employees.
- (vii) The Review Committee constituted for review of management structure and operating mechanism of NVS headed by Shri Y. N. Chaturvedi, Ex-Secretary to the Government of India, strongly recommended to provide pension to Navodaya Vidyalayas and wondered why the attitude of Government is not positive towards the dedicated and devoted employees of NVS.
- (viii) In the year 2006, Government prepared a Cabinet Note to extend Government of India Pension to Navodaya Employees. However, unfortunately, it could not get materialized for reasons not known.

- (ix) In 2010, the then Commissioner, NVS wrote letter dated 12.05.2010 to the Joint Secretary, MHRD requesting to provide Rs. 1100 crore (approximately) in order to implement CCS Pension to NVS employees on the basis of actuary report submitted by Shri P.C. Gupta, in which the third option envisaged no liability for the Government for the next thirteen years for providing Government of India Pension to Navodaya employees.
- (x) In 2013, Government prepared another Cabinet Note to provide Government of India pension to Navodaya employees.
- (xi) In 2014, the LIC proposed to provide pension at par with Government of India pension with 7.5% increasing DA per annum for which they asked only Rs. 1777 crore (approximately) as one time liability.
- (xii) A proposal was forwarded by NVS to its employees seeking consent for an alternate pension scheme. The consent for the same was sought from the employees by 31.12.2018.

3. The representationists, while explaining the pathetic conditions of the NVS employees who joined their services before 1 January, 2004, due to denial of pensionary benefits under the Central Civil Services (Pension) Rules, 1972, have, therefore requested the Committee to look into their genuine grievances and examine the instant case.

4. The Committee on Petitions took up the representations for examination under Direction 95 of the Directions by the Speaker, Lok Sabha. Accordingly, the representations received on the subject were forwarded to the Ministry of Education (Department of School Education and Literacy) for furnishing their comments on the issues raised therein.

5. In response thereto, the Ministry of Education (Department of School Education and Literacy) vide their Office Memorandum No. 28-02/2020-UT-3 dated 16 October, 2020 had forwarded a factual note for grant of pension to the employees of Navodaya Vidyalaya Samiti who joined their services prior to 1 January, 2004 together with the current status of action taken in the matter, as under:-

"The Cabinet had accorded approval for establishment of 432 Model Schools, one in each District of the country on 5.8.1985. The Cabinet approval also envisaged setting up of an autonomous organization to manage these schools. In accordance with the said approval, it was initially decided to open two Model Schools – one at

Amravati in Maharashtra and one at Jhajjar in Haryana during 1985-86 itself. Since the Autonomous Body (AB) for managing and running these schools was yet to be established, the National Council of Educational Research and Training (NCERT) was assigned the task of starting these two schools in 1985-86. The first instalment of the grant amounting to Rs. 22.50 lakh was also released to NCERT vide sanction dated 28.10.1985. Approval of the Competent Authority for creation of the posts required in these two schools was also conveyed on the same date. A Navodaya Vidyalaya Samiti (NVS), was also registered as a Society under the Societies Registration Act, 1860, on 28.2.1986.

The Department of Pension & Pensioners' Welfare (DoP&PW) issued Office Memorandum dated 1.5.1987 whereby, all Contributory Provident Fund (CPF) beneficiaries, who were in service as on 1.1.1986 and who were still in service, would be deemed to have come over to the Pension Scheme unless specifically opted to remain under the CPF Scheme. The cut-off date for exercising this option was 30.9.1987.

It may be pertinent to mention here that the employees of Kendriya Vidyalaya Sangathan (KVS), National Council of Educational Research and Training (NCERT), Central Tibetan School Administration (CTSA) and National Institute of Open Schooling (NIOS), which are also autonomous organizations under the Ministry of Education, have been granted the benefit of General Provident Fund (GPF)-cum-Pension Scheme under the Central Civil Services (Pension) Rules, 1972. Similar benefits have not been extended to the employees of NVS on the ground that NVS as a society was established and registered only on 28.2.1986 whereas, the cut-off date for being in service to become eligible for the GPF-cum-Pension Scheme was 1.1.1986.

In so far as the employees of the Navodaya Vidyalaya Samiti are concerned, the Ministry of Finance, Department of Expenditure, vide its Notification No. 4(1)-EV/90 (i) dated 11.11.1991 extended the Contributory Provident Fund (CPF) Scheme to the employees of NVS retrospectively w.e.f., 1.4.1988.

The Department of Expenditure (DoE) vide their Office Memorandum dated 14.1.2004 and 4.2.2004 had introduced a New Pension Scheme (NPS) which came into operation w.e.f., 1.1.2004 and is applicable to all new the entrants joining Central Government service on or after 1.1.2004. The NPS was made applicable to all regular employees of NVS w.e.f., 1.4.2009 vide NVS notification dated 4.8.2009. Those employees who had joined NVS on regular basis before 1.4.2009 were given the option either to continue with the existing CPF Scheme or to join the NPS. At

present, employees of NVS are given the retirement benefits of Leave Encashment, Gratuity and Contributory Provident Fund.

When a draft Cabinet Note for introduction of GPF-cum-Pension Scheme for the employees of NVS under the CCS (Pension) Rules, 1972 was moved in April, 2013, the DoE had not supported the proposal inter alia citing the technical ground that DoP&PW's Office Memorandum dated 1.5.1987 is not applicable to the employees of NVS as NVS was not in existence as on 1.1.1986, the crucial date of Fourth Pay Commission recommendation for switching over to GPF-cum-Pension scheme to the employees till then covered under the CPF Rules. However, the DoE had, in a meeting held on 17.12.2013, advised formulation of an Annuity Based Scheme in consultation with Life Insurance Corporation (LIC) which is feasible on the basis of the corpus available with NVS and the contribution made by the employees.

Writ Petition (Civil) Nos. 556/2012 and 518/2012 were filed by the Principals and other officials of Jawahar Navodaya Vidyalayas seeking issuance of directions to the respondents (UoI) to introduce and implement CCS (Pension) Scheme, 1972 to all the employees of NVS. Separately, an Special Leave Petition (Civil) No. 19102/2012 was filed by Shri P.N. Mishra against the order dated 9.12.2012 passed by the Hon'ble High Court of Jharkhand dismissing the Writ Petition filed by him. These cases were disposed of collectively by the Hon'ble Supreme Court through a single judgment dated 20.1.2015. The Hon'ble Supreme Court while dismissing the above Writ Petitions and Special Leave Petition had inter alia observed that "...The cut-off date is a domain of the employer and so the introduction of new scheme of pension will be done considering all the relevant factors including financial viability of the same. No interference is warranted unless there is gross injustice perpetrated. The Appellants have failed to prove any arbitrariness and discrimination with respect to the New Pension Scheme. In the light of the discussion in the foregoing paragraphs, the writ petitions and the appeal are also dismissed..."

Separately, the feasibility of providing pensionary benefits to the employees of NVS through the Employees Provident Fund Organization (EPFO) had also been explored. However, in a meeting held by the then Secretary (School Education & Literacy) on 14.12.2016 with the representatives of the EPFO and the Ministry of Labour & Employment (MoL&E), it was informed by the representative of MoL&E that managing such a fund by the EPFO for the purpose of providing pension to the employees of NVS was beyond the mandate of EPFO. Accordingly, the matter could not be processed any further.

The matter was also discussed with the Hon'ble HRM during the brief meeting held on 24.10.2018 and it was felt that a proposal for extension of pensionary benefits to the regular employees of NVS, who were in service as on 1.1.2004, through an annuity based alternative pension scheme, may be taken up with the Ministry of Finance, Department of Expenditure for their consideration.

NVS had proposed the following three options for annuity based pension schemes through LIC along with their financial implications:-

Option	Features	Total No. of Beneficiaries	Cost Involved	Alternatively
A	Monthly pension of 50% of basic pay last drawn with Dearness Relief and Family Pension	10801	Initial payment of Rs. 5365 crores + Rs. 81.65 crores every year for 15 years and Rs. 22.51 crore in 16th year (Total Rs. 6612.26 crore)	Initial payment of Rs. 2000 crore + Rs. 393.13 crore every year for 15 years + Rs. 81.65 crore every year for first 7 years and Rs. 57.57 crore in 8th year (Total Rs. 8526.07 crore)
B	Monthly pension of 50% of basic pay last drawn with Family Pension	10801	Initial payment of Rs. 3500 crore + Rs. 68 crores every year till the last person retires in 2045.	Initial payment of Rs. 1000 crore + annual payment of Rs. 292.07 crore for 15 years + Rs. 68 crore every year till 2045.
C	Monthly pension of 50% of basic pay last drawn	10801	Initial payment of Rs. 2900 crore + annual payment of Rs. 45 crore.	Initial payment of Rs. 1000 crore + annual payment of Rs. 221.98 crore for 15 years + annual payment of Rs. 45 crore.

To keep the financial implication to the minimum, NVS had proposed Option - C for consideration and approval, which was last referred to the Department of Expenditure (DoE) for their consideration. In support of the above Option - C, NVS had also proposed the following:-

- a. The total management share together with interest thereon in respect of its employees who came into the service prior to 01.01.2004 is Rs. 942.66 crore. The NVS has, however, indicated that it would be in a

- position to meet the entire initial payment of Rs. 1000 crore to LIC from the management share together with interest thereon.
- b. 10% of the management share, i.e., Rs. 94.26 crore could be contributed out of the interest earned on own share of employee over and above the payout of the interest to employee.
 - c. An amount of Rs. 20 crore per annum could be paid to LIC from the internal receipt of NVS.
 - d. The NVS has proposed to meet the total liability of the scheme as under:-
 - (i) Initial payment of Rs. 1000 crore from the corpus of management share of CPF along with interest thereon available with NVS.
 - (ii) The annually instalment of Rs. 221.98 crore for 15 years has been proposed to be met by -
 - (a) Rs. 20.00 crore per annum from the internal source of NVS; and
 - (b) Balance of Rs. 201.98 crore per annum to be borne by the Government through annual grants.

In this regard, it has been stated that an amount of Rs. 120 crore in the first year with decreasing trend upto Rs. 45 crore in 15th year would have otherwise been paid by the Government as management share of CPF, if this annuity scheme is not adopted. Thus the additional burden on the exchequer would be in the range of average Rs. 100-120 crore per annum for 15 years.

The Integrated Finance Division (IFD) has further opined that without some financial support from the Government of India (GoI), no annuity scheme from LIC is possible with the help of the available management share and employees' contribution only even if the features of Dearness Relief and Family Pensions have been dropped (Option - C).

Accordingly, proposal on file was referred to DoE by the IFD for their consideration and decision to bear some of the liability by Government of India arising out of the

proposed annuity based scheme as explained in above paragraphs for annuity based pension scheme through LIC in place of existing CPF for the employees of NVS, who joined service prior to 1.1.2004 and are still in service on the date of adoption of the annuity scheme.

In response, the DoE had again reiterated that it would not be possible to support any such proposal for annuity scheme with part funding from the Government of India by way of Grants-in-aid and suggested that pension fund may be set up in such a way that there is no Government support.

In view of the above, a letter from Hon'ble Minister of Education to Hon'ble Finance Minister has been sent on 20.2.2020, in which the following are further submitted for consideration of Department of Expenditure, Ministry of Finance:-

- a. The Cabinet had accorded approval for establishment of 432 Model Schools, one in each District of the country, on 5.8.1985 and two Model Schools were opened during 1985-86 itself before the prescribed date 1.1.1986 whereby, all the CPF beneficiaries, who were in service as on 1.1.1986 and who were still in service, would be deemed to have come over to the CCS (Pension) Rules, 1972 unless specifically opted to remain under the CPF Scheme as per DoP&PWs Office Memorandum dated 1.5.1987. The cut-off date for exercising this option was 30.9.1987, however, the NVS was registered under the Societies Registration Act, 1860 on 28.2.1986 itself as an Autonomous Body well before the 30.9.1987.*
- b. DoE has advised that an annuity scheme may be formulated with LIC based on present corpus available with the NVS and voluntary contribution by employees alone without any liability to the Government.*
- c. Option - C has the less financial implications as compared to Option -A and B.*
- d. The NVS, in consultation with LIC, has stated that with the existing available corpus with NVS, it is not possible to have a suitable and meaningful pension scheme from LIC. The employees of NVS would get of a paltry monthly pension which will be about 13% of the basic pay and the benefit from this scheme would be worse than the existing benefit of CPF.*

- e. *As some of the employees have already been retired and most of the employees are on the verge of the retirement, at present, the CPF may not serve any purpose to provide social security to the employees of the NVS, as stated above.*
- f. *It is, therefore, clear from the above that without financial support from the Government of India, no annuity scheme from LIC is possible with the help of the available management share and employees' contribution only even if the features of Dearness Relief and Family Pensions have been dropped.*

Thereafter, the Department of Expenditure vide its Office Memorandum dated 17.7.2020 has requested to provide following clarifications regarding various observations made by their Department:-

- (i) *It has been mentioned that the initial payment of Rs.942.166 crore would be met from the NVS share (Management Share) in respect of employees who joined prior to 01.01.2004. It is understood that this amount refers to the share of NVS in the CPF. If so, it may be clarified as to whether it includes the NVS Share in case of those employees who have already retired and if so, how the pension could be given to these employees as they might have availed themselves of their own share in the CPF.*
- (ii) *It has been mentioned that 10% of the Management Share that is Rs.94.26 crore could be contributed out of the interest earned on the share of employee over and above the payout of the interest to the employees. If the employees share with interest has already been paid, then it needs clarification how the amount of Rs.94.26 crore from that is still available.*
- (iii) *It has been mentioned that an amount of Rs.20 crore per annum would be utilized from the internal receipts of NVS. It may be clarified as to what are the sources of internal receipts of NVS and how the same are utilized at present and if this Rs.20 crore is diverted, what will be its impact on the finances of NVS and quantum of Grant-in Aid from the Government?*

- (iv) Any Contributory Pension Scheme provides for annuity based on the value of corpus and there is no pre-defined element of annuity. However, pension in this case has been proposed to be 50% of the last pay and as such, it is not in keeping with the basic outline of the Contributory Pension Scheme. Moreover, if pension is pre-determined, whether it will not have any impact of the Pension Fund resulting in deficit and if so, has any actuarial valuation been done to the effect that there would be no impact on pension fund and, hence, no charge on the grant in Grant-in-Aid?
- (v) As regards Kendriya Vidyalaya, NCERT, CTSA and NIOS, it may be clarified as to when pension scheme in this case was allowed and whether it was with the approval of Ministry of Finance and whether the employees there were in service as on 01.01.1986 or not. Also, whether employees of NVS came into services as on 01.01.1986 or not?
- (vi) What will be impact of present proposal in respect of other autonomous organization of Ministry of education - both in the Department of School Education & Literacy and Department of Higher Education? This may be explained with the possible financial implications, indication the autonomous bodies where it may have repercussions.

Separately, the NVS Retired Employees Association, Pune has addressed a letter dated 24.8.2020 to the Hon'ble Shiksha Mantri, in which, it has been mentioned that as against Option - C which was recommended to the Department of Expenditure for consideration, they have requested for consideration of Option - A which has a pension component of 50% of the basic pay with Dearness Relief and Family pension. The association has also made some suggestions for generation of internal resources by the NVS to make the pension proposal a self supporting one to a large extent. This include making a one-time contribution from the Education Cess collections, review of the existing fee structure in the JNVs, additional resource generation by the 12 NLIs through various training programmes, levying a reasonable price for the JNVST prospectus (which is presently distributed free of cost), accepting contribution from JNV alumni, etc.

While inputs from the NVS have been received in response to the queries/ observations made by Department of Expenditure, the matter is being followed up

with other Autonomous Bodies under Department of School Education & Literacy as well as with Department of Higher Education for sending a consolidated response."

6. Up on examination of the preliminary comments received from the Ministry of Human Resource Development (Department of School Education & Literacy), the Committee on Petitions decided to take up the case for detailed examination.

7. For the purpose, the Committee, in their sitting held on 13 December, 2021 heard the views of some of the representationists, viz., Shri Yogendra Sharma, President, Navodaya Vidyalaya Employees Welfare Association, Shri Rahul Singh, General Secretary, Navodaya Vidyalaya Employees Welfare Association, Smt K. Manjula, National President, All Navodaya Vidyalaya Samiti Staff Association, Shri Yogendra Bhakta, Principal, Jawahar Navodaya Vidyalaya, Rudhauri, Basti (Uttar Pradesh) and Shri S. Kannan, All India Jawahar Navodaya Vidyalaya Principals' Forum, on the issues/ points raised in their representations and also held a discussion with the representatives of the Ministry of Human Resource Development (Department of School Education & Literacy) in the matter.

8. Before hearing their views of the representationists in the matter, the Committee asked them to clarify on the following aspects in relation to the instant case:-

- (i) *Whether it is a fact that CCS (Pension) Scheme was made applicable to the employees who were in service as on 1.1.1986 by the Government of India in pursuance of the recommendations of the Fourth Pay Commission? If so, on what basis the representationists have been demanding to cover the eligible NVS employees under the said Scheme, as the NVS is a Society established and registered only on 28.2.1986?*
- (ii) *Since similar organizations like KVS, NCERT, CTSA and NIOS were established before 1.1.1986, then, how the NVS is being compared to these organizations in regard to issues relating to grant of pension under the CCS (Pension) Scheme, 1972?*
- (iii) *The Government of India had approved establishing of 432 Model Schools in the Country on 5.8.1985 and approximately, Rs. 22 lakh was sanctioned as initial instalment on 28.10.1985 and approval for creation of posts was also granted on the same date. However, NVS as a Society was registered on 28.2.1986. in this backdrop, whether some employees were appointed in the NVS between 28.10.1985 and 28.2.1986?*

- (iv) *Apart from the CCS (Pension) Scheme, NVS had proposed three options for annuity based Pension Schemes, viz., (i) the monthly pension of 50% of basic pay last drawn with Dearness Relief and Family Pension; (ii) the monthly pension of 50% of basic pay last drawn with Family Pension; and (iii) the monthly pension of 50% of basic pay last drawn. What were the reasons for demanding the first option, despite the fact that the Ministry of Education had accepted the third option?*

9. The representationists, thereafter, *inter alia* put forth their points before the Committee, as under:-

- (i) *As regards the Department of Pension & Pensioners' Welfare (DoP&PW) Office Memorandum dated 1.5.1987 relating to change over from the CPF Scheme to the Pension Scheme, the objective was to cover the employees under the Pension Scheme, whereby, option was given to all CPF beneficiaries to come under the Pension Scheme. However, if the employees had not opted, they would be deemed to have been covered under the Pension Scheme. Since the affected employees were not given the opportunity to exercise the said option, they should be covered under the Pension Scheme.*
- (ii) *Before the establishment of the NVS (erstwhile Model Schools), the Government of India had assured that their employees' would get salary, allowances and other benefits similar to or better than the employees of other institutions/organisations of equal status. However, later on, it did not happen, as they were deprived of the similar pensionary benefits, despite the fact that they have more working hours and responsibilities vis-a-vis their counterparts working in other similar institutions/organisations.*
- (iii) *During the period between 28.10.1985 and 28.2.1986, two staff were appointed in the Model School at Jhajjar (Haryana) on 13.12.1985.*
- (iv) *Out of the three options for annuity based Pension Scheme, the third option, viz., the monthly pension of 50% of basic pay last drawn is the most favourable for the Government. However, at present, in the NVS, the employees who were appointed between 1986 and 2004 are the worst sufferers as they have neither got an opportunity to be covered under the Old Pension Scheme nor the New Pension Scheme. The affected retired employees could hardly manage their lives with the meagre pension amount*

and have become dependent on others even for their medicines. In view of this, these employees deserve to be covered under the most favorable, first option, i.e., the monthly pension of 50% of basic pay last drawn with Dearness Relief and Family Pension.

- (v) The number of such affected NVS employees is not more than 18,000.*
- (vi) In the beginning, most of the Officers/Staff working in the NVS were on deputation and were eligible for drawal of pension under the Old Pension Scheme from their parent Department(s) and therefore, they did not show much interest to put in their efforts towards covering the NVS employees under the Old Pension Scheme instead of CPF, which was forcibly implemented in their case.*
- (vii) The NVS employees were deprived of the option for choosing GPF-cum-Pension Scheme only on technical ground, i.e., NVS was not registered as on 1.1.1986 (the crucial date for switching over from CPF Scheme to GPF-cum-Pension Scheme).*
- (viii) The affected party had also approached up to the Supreme Court. However, all the related cases were disposed of collectively by the Supreme Court through a single judgment dated 20.1.2015 and while dismissing the WPs and SLP in the matter, the Court had inter alia observed that "...The cut-off date is a domain of the employer and so the introduction of new scheme of pension will be done considering all the relevant factors including financial viability of the same...".*
- (ix) The Petitioners could not get a favorable judgment due to their inability in producing the relevant documents in support of their claim.*
- (x) NITI Aayog and Various Parliamentary Committees have also recommended for covering the employees of Jawahar Navodaya Vidyalaya who joined their services before 1.1.2004 under the Central Civil Services (Pension) Rules, 1972, however, so far no positive action has been taken in this regard.*
- (xi) As per General Financial Rules 2005 and 2017, all Grantee Institutions or Organisations which receive more than fifty per cent of their recurring expenditure in the form of grants-in-aid, should ordinarily formulate terms and conditions of service of their employees which are, by and large, not higher than those applicable to similar categories of employees in the Central*

Government. As a matter of fact, Jawahar Navodaya Vidyalaya get hundred per cent of their recurring expenditure in the form of grants-in-aid from the Government. Hence, the benefits to the employees of JNVs should at least be at par with other Central Government employees.

10. The Committee, thereafter, sought clarifications from the representatives of the Ministry of Education (Department of School Education & Literacy) on various aspects relating to the representation(s) requesting to cover the employees of Jawahar Navodaya Vidyalaya who joined their services before 1.1.2004 under the Central Civil Services (Pension) Rules, 1972, as under:-

- (i) In February, 2020, the then Minister of Education had sent a letter to the Finance Minister in regard to implementation of Pension Scheme for consideration of the Department of Expenditure, Ministry of Finance. In response thereto, the Department of Expenditure, in July, 2020, had sought certain clarifications regarding various observations made by them. However, the replies are yet to be forwarded by the Ministry of Education (Department of School Education & Literacy). What are the compelling reason(s) that the Ministry is yet to arrive at a conclusion to resolve the issue?*
- (ii) Notwithstanding the fact that the registration of Navodaya Vidyalaya Samiti as an Autonomous Body has been done on 28.2.1986 which forms the basis for depriving the employees of the NVS of the benefits under the CCS (Pension) Scheme, whether any appointments have been made in the NVS between the period of 28.10.1985 (the date of sanctioning the initial instalment for establishment of 432 Modal Schools in the country) and 28.2.1986?*
- (iii) Although the Ministry of Education (Department of School Education & Literacy) had approved the third option among the three options for annuity based Pension Schemes, i.e., monthly pension of 50% of basic pay last drawn, the Department of Expenditure had not sanctioned the same. In such a situation, whether any correspondence has been made by the Department of School Education & Literacy to the Department of Expenditure to resolve the issue and whether there is any possibility for implementation of the same?*
- (iv) The Central Government has given an opportunity to those employees who were appointed before January 1, 2004 but joined service on or after January 1, 2004 to get themselves covered under the Central Civil Services (Pension) Rules, 1972 instead of the NPS (New Pension System) thereby giving relief to*

several Central Government employees, who approached the Courts in order to get themselves covered under the CCS (Pension) Rules, 1972. In this backdrop, whether the Ministry of Education (Department of School Education & Literacy) is contemplating on taking any concrete step to provide relief to the affected employees of the NVS?

11. In response thereto, the representatives of the Ministry of Education (Department of School Education & Literacy), thereafter, put forth their comments/views, as under:-

- (i) As regards the Department of School Education & Literacy, it is clarified that there is no objection to the demands of the representationists in the instant case.*
- (ii) The Department have undergone a detailed examination in the matter and found that the Department concerned has referred for implementation of CCS Pension Scheme in the year 1989 itself.*
- (iii) There are several Government organisations/institutions, viz., Prasar Bharati, NHRC and other organisations related to Space and Atomic Energy which came into existence since 1992 and have been covered under the CCS (Pension) Scheme, 1972.*

12. In order to have a holistic view on the issue of covering the employees of Navodaya Vidyalaya Samiti/Jawahar Navodaya Vidyalaya (erstwhile Model School) who joined their services before 1 January, 2004 under the Central Civil Services (Pension) Rules, 1972, a detailed List of Points were drawn up and forwarded to the Ministry of Education (Department of School Education & Literacy) as well as the Ministry of Finance (Department of Expenditure) for furnishing their written replies in the matter.

13. On being enquired by the Committee as to whether it is a fact that CCS (Pension) Scheme, 1972 was not sanctioned for the NVS employees who joined prior to 1 January 2004 on the grounds of delayed registration of NVS Society, i.e., on 28 February, 1986, thereby ignoring the facts that the Navodaya Scheme has been implemented and the JNV Schools/ Model Schools were sanctioned along with the release of requisite funds on 28 October 1985, the Ministry of Education (Department of School Education & Literacy), in a written reply, submitted:-

"The Cabinet accorded approval for establishment of 432 Model Schools (later renamed as Jawahar Navodaya Vidyalayas), one in each District of the country, on 5.8.1985. The Cabinet approval also included setting up of an Autonomous Organization to manage these Schools. Subsequently, it was decided to open two Model Schools - one at Amravati in Maharashtra and one at Jhajjar in Haryana - in 1985 itself. Since the Autonomous Body (AB) for managing and running these schools was yet to be established, NCERT was assigned the task of starting these two Schools in 1985-86. The first instalment of the grant amounting to Rs. 22.50 lakh was released to NCERT, vide sanction dated 28.10.1985.

Navodaya Vidyalaya Samiti (NVS) as Society, established under the Societies Registration Act 1860, was registered on 28.02.1986 for administering these Schools.

Department of Pension & Pensioners' Welfare vide their Office Memorandum No. 4/1/87 PIC-I dated 1.5.1987 had conveyed that all CPF beneficiaries, who were in service on 01.01.1986 and who are still in service on the date of issue of these orders will be deemed to have come over to the Pension Scheme, unless they specifically opt out to continue under the CPF Scheme.

Department of Expenditure (DoE), Ministry of Finance (MoF) has not supported the proposal for introduction of CCS (Pension) Scheme, 1972 to the employees of NVS who joined prior to 1.1.2004 on the ground, inter alia, that NVS as a Society was registered on 28.2.1986."

14. The representatives of the Ministry of Finance (Department of Expenditure) had further submitted before the Committee, as under:-

"The Office Memorandum dated 01.05.1987 (Annexure-II) of the Department of Pension & Pensioners' Welfare (DoP&PW) provided for exercising the option to switch over to the GPF cum Pension scheme for the CPF beneficiaries subject to the undernoted pre-requisites:

- (i) they must be Central Government employees;*
- (ii) they must be in service on 01.01.1986; and*
- (iii) they must be CPF beneficiaries as on 01.01.1986.*

Considering the first pre-requisites, it is stated that employees of NVS are not Central Government employees and thus, the Office Memorandum dated 01.05.1987 is not directly applicable to them as the Office Memorandum dated 01.05.1987 issued by DoP&PW was issued only for the employees of Central Government. It is also noted that the Office Memorandum dated 01.05.1987 was issued on the recommendation of the 4th Central Pay Commission which is for Central Government employees only. The Terms of Reference of the Pay Commission do not include the Central Autonomous Bodies. As regards the cut-off date of the OM dated 01.05.1987 is concerned, all the employees who were to be given the option to switch over to the GPF-cum-pension scheme required to be in service and CPF beneficiaries as on 01.01.1986. However, it may be seen from above, that NVS came in existence on 28.02.1986 and there were no regular appointments as on 01.01.1986. In fact, as ascertained from the Draft Cabinet Note of Ministry of Human Resource Development, the direct recruitment/permanent absorption in the NVS started from the year 1989 onwards. Also, the last date for exercising the option was 30.09.1987, which was never extended or altered in case of Central Government employees.

Therefore, the proposal of NVS seeking CCS (Pension) Rules, 1972 for the pre - 2004 employees on the ground of Office Memorandum dated 01.05.1987 by way of granting option to switch over from CPF to GPF could not be agreed to."

15. The Committee, thereafter, specifically desired to know as to whether it is a fact that the Model Schools established under the Navodaya Scheme were later on rechristened as Jawahar Navodaya Vidyalaya. The Ministry of Education (Department of School Education & Literacy), in a written reply, submitted:-

"In the year 1986, the Model Schools were rechristened as Navodaya Vidyalaya with the approval of Government, as conveyed by the PMO vide ID Note dated 25.4.1986 (Annexure-III). Thereafter, Navodaya Vidyalaya renamed as Jawahar Navodaya Vidyalaya (JNV) in 1989."

16. To a specific query by the Committee as to whether it is also a fact that the first two Schools under the Scheme *ibid* were set up at Amravati (Maharashtra) and Jhajjar (Haryana) on 28 October 1985, the Ministry of Education (Department of School Education & Literacy), in a written reply, submitted:-

"The Cabinet had accorded approval for establishment of Model Schools(later renamed as Jawahar Navodaya Vidyalayas) on 05.08.1985. The Cabinet approval

also envisaged setting up of an Autonomous Body (AB) to manage these Schools. Since the AB to manage and run the Model Schools was yet to come into existence, the National Council of Educational Research and Training (NCERT) was given the responsibility of starting and running the two Schools. As soon as the AB for the Model schools was set up, all work relating to Model schools were transferred to it. The first instalment was also released to NCERT vide sanction dated 28.10.1985, details of which are placed at Annexure-IV. The said two Model schools (later renamed as Jawahar Navodaya Vidyalayas) are still running on fully functional basis."

17. The Committee, thereafter, desired to know as to whether the Ministry of Education (erstwhile Ministry of Human Resource Development) created various posts to run the aforementioned two Schools, i.e., at Amravati (Maharashtra) and Jhajjar (Haryana) on 28 October 1985. The Ministry of Education (Department of School Education & Literacy), in a written reply submitted:-

"Approval for creation of the posts required for these two Schools was given by Ministry of Education (erstwhile Ministry of Human resource development) on 28.10.1985 to manage and run the Model schools (later renamed Jawahar Navodaya Vidyalayas). Total 11 posts for each Model School (JNV) were created as per the details given below:-

Sl. No.	Posts	No(s).
1	Principal	1
2	Trained Graduate Teacher	4
3	Physical Education Teacher	1
4	Art & Craft Teacher	1
5	Librarian	1
6	UDC	1
7	Staff Nurse	1
8	Chowkidar	1

18. The Committee further sought clarification from the Ministry of Education (Department of School Education & Literacy) to furnish the details of employees who were appointed in Navodaya Vidyalaya Samiti/Jawahar Navodaya Vidyalaya (erstwhile model School) on direct recruitment basis prior to 1 January 1986. The Ministry, in a written reply, submitted:-

"NVS has informed that the following 2 employees were appointed in Navodaya Vidyalaya Samiti/Jawahar Navodaya Vidyalaya (erstwhile Model School) on direct recruitment basis prior to 1 January 1986:-

Sl. No.	Name	Post advertised on	Recruitment process commenced on	Date of appointment
1.	Shri Sube Singh Sharma, UDC	10.12.1985	Interview was held on 11.12.1985	11.12.1985 (Order date) & 13.12.1985 (Joining date)
2.	Shri Kishan, Chowkidar	--	Interview was held on 11.12.1985	11.12.1985 (Order date) & 13.12.1985 (Joining date)

19. On being specifically enquired by the Committee as to whether it is a fact that at the time of issue of Office Memorandum dated 1 May 1987 by the Department of Pension & Pensioners' Welfare, the Government has neither extended the CCS Pension nor CPF Pension Schemes to the NVS employee, the Ministry of Education (Department of School Education & Literacy), in a written reply, submitted:-

"Department of Pension & Pensioners' Welfare vide their Office Memorandum No. 4/1/87 PIC-I dated 1.5.1987 had conveyed that all CPF beneficiaries, who were in service on 01.01.1986 and who are still in service on the date of issue of these orders will be deemed to have come over to the Pension Scheme, unless they specifically opt-out to continue under the CPF Scheme.

It has been informed by NVS that the Executive Committee of NVS, in its meeting held on 15.5.1987, approved the grant of CPF to the employees of NVS who had completed one year of service in the Organisation. Later on, in 1991, the Government of India notified the CPF Scheme to the employees of NVS, vide notification dated 11.11.1991 and the same was implemented by NVS retrospectively w.e.f. 1.4.1988 with the approval of their Executive Committee (Annexure-V).

As regards the applicability of DoP&PW's Office Memorandum dated 01.05.1987 to the employees of NVS, it is informed that Ministry of Finance, in their comments dated 28.5.2013 on a Draft Cabinet Note mooted by this Ministry for introduction of CCS Pension Rules to NVS employees inter-alia stated that it was meant for Central Government employees and that it was not automatically applicable to the employees of autonomous bodies. Para 7.2 of the said Office Memorandum states

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that "Administrative Ministries administering any of the Contributory Provident Fund Rules, other than Contributory Provident Fund Rules (India), 1962 are also advised to issue similar orders in respect of CPF beneficiaries covered by those rules in consultation with the Department of Pension & Pensioner's Welfare." As such the provisions of aforesaid Office Memorandum were not directly applicable to the employees of NVS.

Subsequently, Department of Pension and Pensioners' Welfare (DoP&PW) vide Office Memorandum dated 23.06.2021, on applicability of DoP&PW's Office Memorandum dated 1.5.1987, clarified that the rules and instructions issued by their Department are applicable to the civil employees under the Central Government, and are not automatically applicable to the autonomous bodies under the Central Government. They have further advised to take up the matter with Ministry of Finance (Department of Expenditure) for considering the proposal for extending the benefit of CCS (Pension) Scheme to employees of NVS joined prior to 1.1.2004."

20. On this aspect, the representatives of the Ministry of Finance (Department of Expenditure) had further submitted before the Committee, as under:-

"The CCS (Pension) Rules were not applicable to the employees of NVS in terms of Office Memorandum dated 01.05.1987 of the Department of Pension and Pensioners' Welfare (DoP&PW).

Further, in line with the Service Conditions framed in respect of the terminal benefits to the employees of NVS, which provided for non-availability of pension to the employees of NVS, they were granted Contributory Provident Fund benefits in terms of Ministry of Finance, Department of Expenditure Notification No.4(1)/EV/90(I) dated 11.11.1991 (Annexure-VI) under the Provident Funds Act, 1925, which at that time was administered by the Department of Expenditure (now administered by Ministry of Labour and Employment). Consequently, NVS adopted "Navodaya Vidyalaya Samiti Contributory Provident Fund, 1988" w.e.f. 01.04.1988 in terms of their Notification dated 20.12.1991 (Annexure-VII)"

21. When asked by the Committee as to whether it is a fact that in the year 1991, the Government of India extended the CPF scheme to the NVS retrospectively, w.e.f., 01.04.1988, thereby, ignoring the fact that the employees started joining the organization on direct recruitment basis since 13 December 1985 and the applicability of pension was also mentioned in their 'Offer of Appointment', the Ministry of Education (Department of School Education & Literacy), in a written reply submitted:-

"In 1991, Government of India notified the CPF Scheme to the employees of NVS vide notification dated 11.11.1991 and the same was implemented by NVS retrospectively, w.e.f. 1.4.1988 with the approval of their Executive Committee.

It may be noted that Executive Committee of NVS in its meeting held on 15.5.1987 has already approved, on their own, the grant of CPF to the employees of NVS who completed one year of service in the Organisation, well before the Government of India notification dated 11.11.1991."

22. Pursuant to the above query made by the Committee, the Ministry of Finance (Department of Expenditure), in a written reply, further submitted, as under:-

"Based on the extracts of the Draft Cabinet Notes/Background Notes forwarded to this Department from time to time, it has been ascertained that Jawahar Navodaya Vidyalaya (JNV) was established as a Central Sector Scheme which commenced in 1986-87 (except two model schools established on 28.10.1985), pursuant to the National Policy of Education, 1986. However, the responsibility of starting and running of these two model schools was under the NCERT. The Jawahar Navodaya Vidyalaya Scheme was implemented through a registered autonomous society called the Navodaya Vidyalaya Samiti (NVS) which was established on 28.02.1986. NVS is funded by the Central Government and service rules applicable to the Central Government employees generally apply to the NVS employees with some exceptions like non-availability of pension to the NVS employees.

The appointment in 2 Model Schools established in 1985 was made on deputation basis and thereafter the direct recruitment/permanent absorption in the NVS started from the year 1989 onwards.

In line with the Service Conditions framed in respect of the terminal benefits to the employees of NVS, the employees of NVS were granted Contributory Provident Fund benefits in terms of Ministry of Finance, Department of Expenditure Notification No.4(1)/EV/90(I) dated 11.11.1991 under the Provident Funds Act, 1925, which at that time was administered by the Department of Expenditure. Consequently, NVS adopted 'Navodaya Vidyalaya Samiti Contributory Provident Fund, 1988' w.e.f. 01.04.1988 in terms of their Notification dated 20.12.1991."

23. The Committee then desired to know as to whether it is a fact that while introducing the CPF scheme in the NVS, no option was sought from the then employees. The Ministry of Education (Department of School Education & Literacy), in a written submitted:-

"Since Executive Committee of NVS in its meeting held on 15.5.1987 had approved the grant of CPF for their employees, it was the sole responsibility of the NVS to exercise option to opt CPF or otherwise by their employees."

24. Pursuant to the above query made by the Committee, the Ministry of Finance (Department of Expenditure), in a written reply, further submitted, as under:-

"This Department had introduced the CPF Scheme for the NVS employees vide Notification dated 11.11.1991. Based on the notification of this Department, NVS formulated and adopted 'Navodaya Vidyalaya Samiti Contributory Provident Fund, 1988' w.e.f. 01.04.1988.

The policy of Central Government has been not to encourage GPF cum Pension scheme in the autonomous bodies on the pattern of central government due to the financial and administrative reasons. Moreover, since the Office Memorandum dated 01.05.1987 was not applicable to the employees of autonomous bodies including the NVS, the switchover option benefit could not be extended to them."

25. The Committee, thereafter, desired to know as to whether it is a fact that various Autonomous Bodies/Organisations which came into existence after the establishment of NVS have been extended the facility of CCS (Pension) Scheme, 1972. The Ministry Education (Department of School Education & Literacy), in a written reply, submitted:-

"The details of Autonomous Bodies/Organisations which came into existence after the establishment of NVS/1 January 1986, which have been extended the facility of CCS (Pension) Scheme, 1972 are not readily available with this Department. However, the details thereof as provided by NVS, are as under:-

Sl. No.	Name of the Organisations	Date of establishment	Date of extension of CCS (Pension) Scheme, 1972
1.	National Institute of Open Schooling (NIOS)	03.11.1989	---
2.	Inter-university consortium for department of Atomic Energy Facility (IUC-DAEF)	1990	10.07.2009
3.	Inter University Centre for Astronomy and Astro	1990	10.07.2009

	Physics (IUCAA)		
4.	Information and Library Network Centre (INFLIBNET)	March, 1991	---
5.	Nuclear Science Centre(NSC)	09.01.1992	10.07.2009
6.	Consortium for Educational Communication (CEC)	1993	---
7.	National Human Right Commission (NHRC)	1993	---
8.	National Assessment and Accreditation Council (NAAC)	1994	10.07.2009
9.	Prasar Bharti	November, 1997	---
10.	Maulana Azad National Urdu University, Hyderabad	1998	---

The terms and conditions on which the Scheme has been extended to the said organisations is not known.

26. On this matter, the Ministry of Finance (Department of Expenditure), in a written reply, further submitted that:-

"This Department has not agreed to the proposal of extending the benefit of Pension Scheme in any of the autonomous bodies, unless there were express Court Judgments to this effect. A detailed list regarding the Institutes/Autonomous Organizations where benefit of Old Pension Scheme has been extended by various Court Orders has been placed at Annexure-VIII.

As far as the list of Institutes given in the table, this Department is not aware about the status of implementation of Old Pension Scheme in the Institutes, except in the NHRC, an autonomous institution under MHA, wherein Pension was extended as the service condition of the employees of NHRC (out of which 75 were absorbed from Government department already having GPF cum pension) provided so. After, issuance of orders dated 16.03.2000 (Annexure-IX), Pension Scheme has not been agreed to by this Department."

27. The Committee further desired to know as to whether it is a fact that the Ministry of Education (*erstwhile* Ministry of Human Resource Development), at the highest level, approved the proposal of covering the employees of Navodaya Vidyalaya Samiti/Jawahar Navodaya Vidyalaya (*erstwhile* Model School) who joined their services before 1 January, 2004 under the Central Civil Services (Pension) Rules, 1972. The Committee also desired to know as to whether the Ministry of Finance (Department of Expenditure) had raised certain objections from time to time as a result of which the said proposal could not be implemented. In response, the Ministry of Education (Department of School Education & Literacy), in a written reply, submitted:-

"Ministry of Education recommended the proposal of covering the employees of Navodaya Vidyalaya Samiti/ Jawahar Navodaya Vidyalaya (erstwhile Model School) who joined their services before 1 January, 2004 under the Central Civil Services (Pension) Rules, 1972 and the same has been taken up on several occasions with Department of Expenditure, Ministry of Finance for their consideration, the details of which are as follows:-

Sl. No.	Date of approving and forwarding the relevant proposal by the Ministry of Education to be Ministry of Finance (Department of Expenditure)	Grounds on which the relevant proposal was not approved by the Ministry of Finance (MoF) (Department of Expenditure (DoE))	Date of not accepting or sending the requisite proposal back to Ministry of Education by the Ministry of Finance (Department of Expenditure)
1	1989	MoF did not agree on the ground that the question of introduction of a Pension Scheme in Public Sector Undertakings is under consideration of the Government and hence the Department is not in a position to give concurrence to introduction of Pension Scheme in the Samiti.	1989
2	1990	MoF informed that keeping in view the likely repercussions of the decision to bring employees of NVS under the Pension Scheme, the proposal may not be agreed on balance of convenience.	1990
3	1992	MoF, in 1992, did not support on the ground that in the context of the resource crunch and the efforts of the Government to maintain the budgetary deficit within the desired limits, status quo should be maintained.	1992
4	The case was again taken up by the then Human Resource Development Minister and Chairman, NVS with Minister of Finance on 11 December, 1998.	The then Hon'ble Finance Minister vide D.O. No.25(3)/EV/96 dated 05-02-1999 stated that the Ministry of Finance had not agreed to the proposals for introduction of Pension Scheme on Gol pattern for the employees of the autonomous bodies for certain reasons. The reasons given by the then Finance Minister, in his letter dated 5.2.1999, for rejecting the proposal were inter alia as under:- a) The cost of introduction of Pension Scheme is much higher in comparison with the CPF Scheme. b) A pension fund is required to be set up and difficulties may be experienced in judicious administration of the	5.2.1999

		<p>fund.</p> <p>c) In case the organization is wound up for one reason or the other, the Government may have to take over the entire liability for pension.</p> <p>d) In case the proposal regarding introduction of Pension Scheme on Gol pattern for the employees of NVS is agreed to, there would be similar demands from other autonomous bodies receiving grants-in-aid from the Government which may be difficult to resist.</p> <p>e) CPF is one time settlement; pension is a lifelong commitment not only in respect of the pensioner but his family also.</p>	
5	2006	<p>DoE did not support the proposal (in draft Cabinet Note) to introduce a Pension Scheme as per CCS (Pension) Rules, 1972 in Navodaya Vidyalaya Samiti (NVS) on the following grounds:-</p> <p>a) General Financial Rules only provide that terms and conditions of service of the employees of autonomous bodies should not be higher than those applicable to similarly categories of employees in Central Government. Further, the Rule 209(6)(iv)(b) of GFRs, 2005 provides that these institutions should be encouraged to take advantage of the pension/gratuity schemes available in the market for employees instead of undertaking liability on their own or government account.</p> <p>b) While it is true that a large number of Teachers have quit NVS prematurely, however, the figures reveal that a significantly higher number of Teachers had left NVS in 2005 (278 Teachers) and in 2004 (178 Teachers) vis-a-vis 2003 (140 Teachers). From 1.1.2004, the New Pension Scheme had taken effect in the Central Government. As such, the employees quitting NVS could not have got pension under the CCS (Pension) Rules, 1972 in any other organization that they joined after quitting NVS. It is, therefore, very clear that absence of a pension scheme is not the main reason for the large exodus of teachers from NVS.</p> <p>c) The cost of introduction of pension scheme is much higher than the CPF Scheme. While CPF is a one-time settlement, pension is a life-long commitment not only in respect of the pensioner but his family also. The liability on account of pension keeps on increasing with every increase/revision in pay/pensionary benefits. As most of the autonomous bodies are fully funded through grants-in-</p>	29.8.2006

		<p>aid received from the Government, Government's liability will increase to that extent if pension scheme is introduced.</p> <p>d) Any cut-off date for pension scheme is not likely to be acceptable to the employees.</p>	
6	3.4.2013	<p>MoF again did not support the proposal (in draft Cabinet Note) on following grounds:-</p> <p>a) The Cabinet has already approved MHRD's proposal for (i) introduction of NPS to all regular employees joining NVS after the date of notification and (ii) giving an option to the regular employees of NVS as on the date of notification of NPS to continue with the existing CPF scheme or to join the NPS.</p> <p>b) As a matter of policy the Government of India has moved away from the 'Defined Benefit' Pension Scheme to the 'Defined Contributory' Pension Scheme.</p> <p>c) In draft for cabinet note, it has been stated that two Navodaya Vidyalayas were opened at Amravati and Jhajar during 1985-86 which is not correct. In fact, two model schools, one at Amravati and the other at Jhajar, were opened, and since the autonomous body to manage and run the Model Schools was yet to come into existence, the NCERT, was given the responsibility of starting and running these two schools. The NVS as a society, established under the Societies Registration Act, 1860 was registered on 28.2.1986.</p> <p>d) Further, initially the appointments were made in NVS on deputation basis only. Direct recruitment/ permanent absorption started taking place from the year 1989 onwards. It is, therefore, clear that the employees of the NVS were not in service on 1 January 1986, which was considered the crucial date of 4th Pay Commission's recommendations for extension of pension-cum-GPF scheme of the Government of India to the employees covered under Contributory Provident Fund Rules.</p> <p>e) As regards the applicability of DoP&PW's Office Memorandum dated 01.05.1987 to the employees of NVS, it is stated that it was meant for Central Government employees, and it was not automatically applicable to the employees of autonomous bodies. Para 7.2 of the said Office Memorandum states that "Administrative Ministries administering any of the Contributory Provident Fund Rules, other than Contributory Provident Fund Rules (India), 1962 are also advised to issue similar orders in</p>	28.5.2013

		<p>respect of CPF beneficiaries covered by those rules in consultation with the Department of Pension & Pensioner's Welfare." As such the provisions of aforesaid Office Memorandum were not directly applicable to the employees of NVS:</p> <p>f) As regards the point that the Pension Scheme has been implemented for the employees of certain organisations such as IIT Kanpur, IIT Bombay, IIT Kharagpur, IIT Roorkee, CSIR, LIC, etc., set up almost at the same time or after the establishment of NVS, it is stated that Department of Expenditure is not aware of the circumstances under which the CCS (Pension) Rules in these aforesaid Organisations has been made applicable. As regard Nehru Yuva Kendra, it is intimated that CCS (Pension) Scheme has been partially implemented for the employees of NYKs on the directions of Courts through various judgments.</p>	
7	19.7.2013	<p>The Department of Expenditure (DoE) communicated that they have consistently not been agreeing to introduction of the conventional pension scheme for employees of autonomous bodies in various Ministries/ Departments, and has been advising the autonomous bodies to work out a suitable annuity scheme, or to move over to the NPS for pre-2004 employees, without any liability on Government of India. The cost of introducing a pension scheme based on a 'defined benefit' model with an open ended liability on the part of Government to meet periodic upward revisions does not appear viable. To that extent, it would not be possible for us to, support the Proposal to set up a Pension Fund as envisaged in the DCN, with part funding from the Government by way of Grants-in-Aid. Agreeing to any such proposal in the case of Navodaya Vidyalaya Sangathan, would lead to similar demands from other autonomous bodies also.</p>	18.10.2013
8	<p>In light of the consistent stand of Ministry of Finance against implementing CCS Pension Scheme to NVS employees, this Ministry decided to explore the other option available i.e., an annuity based alternative pension scheme. Accordingly, a proposal for annuity based alternative pension</p>	<p>DoE communicated that it would not be possible to support any such proposal for annuity scheme with part funding from the Government of India by way of Grants-in-aid and suggested that pension fund may be set up in such a way that there is no Government support.</p>	8.8.2019

<p>scheme through LIC i.e., monthly pension of 50% of last basic pay drawn without features of Dearness Relief (DR) and Family Pension was taken up with DoE on 4.3.2019.</p>	
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28. On this matter, the Ministry of Finance (Department of Expenditure), in a written reply, further submitted that:-

"Ministry of Education (erstwhile Ministry of Human Resource Development (MHRD) had been sending proposal with their recommendation to favorably considering the CCS (Pension) Rules, 1972 for the pre-2004 employees of NVS up to 2013 which could not be agreed to due to policy constraints. However, in line with the suggestion of this Department, Ministry of Education had been formulating annuity based pension scheme in consultation with the Life Insurance Corporation. However, the proposal formulated so far could not be agreed to on the grounds of budgetary support from Government.

Recently, in December 2021, this Department received another proposal, again seeking the long settled issue of introduction of CCS (Pension) Scheme, 1972 for pre-2004 employees of the NVS, which is under consideration in this Department. The proposal received earlier could not be agreed to by this Department due to policy constraints. The grounds based on the information available in file(s) of Department of Expenditure (DoE) and extracts of DCNs of Ministry of Education is noted as under:-

- (i) The first proposal in this regard was moved in July 1989 in the wake of Office Memorandum dated 01.05.1987 of the DoP&PW. However, the proposal was rejected by this Department intimating that issue of introduction of pension in PSUs is under consideration of the Government of India and hence this Department is not in position to give concurrence to introduction of pension scheme in the NVS.*
- (ii) MHRD again took up the matter in February 1990 and DoE in Feb 1990 rejected the proposal on the grounds of balance of convenience.*
- (iii) Ministry of Education made another attempt in July 1992, however, this Department denied the proposal on the ground of resource crunch*

and efforts being made by the Government to maintain the budgetary deficit within the desired limit.

(iv) The information as available in the files of this Department is noted as under:-

Sl. No.	Date of approving and forwarding the relevant proposal by the Ministry of Education to the Ministry of Finance (Department of Expenditure)	Ground on which the relevant proposal was not approved by the Ministry of Finance	Date of not accepting or sending the requisite proposal back to Ministry of Education by Ministry of Finance (Department of Expenditure)
1.	December, 1998 DO letter of HRD Minister.	This Department expressed its inability to introduce pension scheme in NVS on Government of India pattern as it may lead to similar demands from other autonomous bodies receiving grants-in-aid from the government and that would be difficult to resist.	DO letter dated 05.02.1999
2.	Draft Note for Cabinet in July, 2006.		OM dated 29.08.2006
3.	Draft Note for CCEA in April, 2013.		OM dated 28.05.2013
4.	DCN in July, 2013.		OM dated 18.10.2013

(v) Thereafter, a proposal was received for seeking approval for the annuity based pension scheme, which was replied vide ID Note dated 08.08.2019 (Annexure-X). Subsequently, a DO letter from Hon'ble Education Minister was received in February, 2020 which was replied vide OM dated 17.07.2020 (Annexure-XI) seeking certain clarification, the reply to which was not received in this Department.

(vi) Recently, in December, 2021, we have received a fresh proposal from Department of School Education & Literacy, Ministry of Education for introduction of CCS (Pension) Scheme in NVS. The proposal is currently under consideration.

29. The Committee, thereafter, desired to know as to whether the relevant proposal, as forwarded by the Ministry of Education, has not been approved by the Ministry of Finance (Department of Expenditure), primarily, on the grounds of hefty one-time expenditure to be borne by the Government and if so, is it a sustainable ground to deny the accrued benefits to the employees of Navodaya Vidyalaya Samiti/Jawahar Navodaya Vidyalaya (erstwhile Model School) in spite of the fact that employees of similarly placed other autonomous bodies/ organizations have already been extended the benefit of this Scheme. The Ministry of Finance (Department of Expenditure), in a written reply, submitted:-

"The proposals forwarded by Ministry of Education could not be agreed to so far due to various reasons including the ground of huge difference in the cost of introduction of pension scheme vis-à-vis CPF scheme. The DO letter dated 16.03.2000 was issued by the Department of Expenditure, intimating all the Ministries/Departments that introduction of pension scheme for the employees of autonomous bodies is not agreed to as a rule and hence CPF scheme may be continued to be followed. This was because, while the CPF is a one-time settlement, pension is a life-long commitment not only in respect of the pensioner but also his family. Further, the liability in respect of pension keeps rising with every pay commission/revision and revises in dearness relief.

Therefore, with the steep increase in the cost of pension, the policy of Government moved away from 'defined benefit' pension scheme to 'defined contribution' scheme wherein the liability of Government was limited to the contribution during service period of the employee as compared to the unlimited liability of servicing the pension scheme for the employee concerned and thereafter their dependents. The unsustainable pensionary liability on the Government of India was the basis of introduction of National Pension System (NPS), a pension scheme with defined benefit concept, which was implemented w.e.f. 01.01.2004 for the employees of the Central Government (except Armed Forces). In order to resolve the pension disparity between the Central Government and autonomous bodies employees, NPS which was introduced for the central government employees has been extended to the employees of CABs as well, w.e.f. 01.01.2004."

30. On being specifically asked by the Committee that while considering extending the benefit of CCS (Pension) Scheme, 1972 to the employees of Navodaya Vidyalaya Samiti/Jawahar Navodaya Vidyalaya (erstwhile Model School), the one-time expenditure could be met by way of utilizing the 'Education Cess', the Ministry of Finance (Department of Expenditure), in a written reply, submitted:-

"The 'Education Cess' levied on the Tax payers is earmarked for fulfilling the commitment of Government to provide and finance universalized quality basic, secondary and higher education. It is meant for mid-day meal programs, funding research activities, setting up government aided schools and colleges, providing low cost education loans, etc. To divert the fund collected under Education Cess to fund the undefined pension liabilities of a particular organization, may not be permissible."

31. When categorically asked by the Committee as to whether the Ministry of Finance (Department of Expenditure) is now agreeable for retrospective application of CCS (Pension) Scheme, 1972 to the employees of Navodaya Vidyalaya Samiti/Jawahar Navodaya Vidyalaya (*erstwhile* Model School), the Ministry of Finance (Department of Expenditure), in a written reply, submitted:-

"This Department has not been agreeing to the proposal for introduction of pension scheme as a matter of policy and case of NVS has never been treated in isolation. In fact, there are a large number of autonomous institutions, wherein pension scheme has not been agreed to by this Department. Making any exception in case of NVS is likely to open a long term settled issue from similarly placed serving as well as retired employees of the autonomous bodies, which as per an estimation of this Department is approximately 1 lakh (half serving half retired). The pensionary liability of this huge workforce is likely to have a huge dent on central exchequer and in this Covid affected economic scenario, this may not be in the fittest of things to consider this long settled issue favorably. Therefore, it is regretted that the proposal of NVS on the extant parameters may not be agreed to."

32. On being asked to furnish the break-up of category-wise beneficiaries of CCS (Pension) Scheme, 1972 in relation to NVS/JNV (*erstwhile* Model Schools) as to how many employees have already retired on attaining the age of superannuation/demised and how many retired employees are alive, till date, the Ministry of Education (Department of School Education & Literacy), in a written reply, submitted:-

"As per information received from NVS, the information as on 31.03.2021 is as under:-

<i>No. of employees of NVS who joined prior to 01.01.2004 and are still in service.</i>	<i>9647</i>
<i>No. of eligible employees who retired/resigned from NVS after rendering more than 9 years and 9 months of service (Eligibility Condition for CCS (Pension) Rules, 1972)</i>	<i>2611</i>
<i>No. of eligible employees who expired after rendering more than 7 years of service in the Samiti (Eligibility Condition for CCS (Pension) Rules, 1972)</i>	<i>525</i>
<i>Total No. of employees eligible for CCS (Pension) Rules, 1972</i>	<i>12783</i>

33. The Committee, then enquired as to whether any other information germane to the representations which the Ministry of Finance (Department of Expenditure) and the Ministry

of Education (Department of School Education & Literacy) would like to submit before the Committee, the Ministry of Education (Department of School Education & Literacy), in a written reply, submitted:-

"The main grounds in brief for recommending CCS Pension Rules, 1972 to the employees of NVS who joined prior to 1.1.2004 are as follows:-

- a) *The Scheme of Navodaya Vidyalayas (then Model Residential Schools) was already approved by the Union Cabinet and is in existence since August 1985, well before the cut-off date of 01.01.1986 to be eligible for the GPF-cum-Pension Scheme. Date of registration of the NVS Society (28.02.1986) seems only a technical formality.*
- b) *Cut-off date of 01.01.1986 is the outer limit for getting the benefit of an option to remain under the CPF Pension Scheme. After 01.01.1986, it is only logical that one would have to come under CCS pension Rules and would no longer have an option to be under the CPF Pension Scheme..*
- c) *Alternative mode of Pension under EPF (Employee Provident Fund) and formulation of an annuity based scheme with Life Insurance Company has been explored in detail but found not feasible without Government support.*
- d) *The scope of the proposal would only be limited to those NVS employees who were in service prior to 01.01.2004, numbering 9647 (who are in service as on 31.3.2021), with 93% retiring over the next 15 years and given expected average life expectancy, financial liability would come down over the years; in other words, the proposal is not open-ended as financial requirement would peak at around the year 2029-30 and start declining after that.*
- d) *NVS already has Rs. 1104 crores (as on 31.3.2021) as Management share with interest, which would be returned to Government; besides there would be a saving of Rs. 110 crores annually being Government contribution toward management share. With this amount, fund requirement under CCS pension for NVS employees can be covered for at least about 8 to 10 years without any additional expenditure of Government of India.*
- e) *The Cabinet note itself has acknowledged the special working conditions of the employees working in residential schools located in rural and remote*

areas. Several Hon'ble Parliamentary Committees have also supported and recommended this proposal.

- f) Several Autonomous Bodies of various Ministries which were established after the Navodaya Vidyalaya Samiti are also covered under the CCS Pension Rules, 1972.

34. On the above query made by the Committee, the Ministry of Finance (Department of Expenditure), in a written reply, further submitted:-

"Government of India had not been in the favour of introduction of CCS (Pension) Scheme in the Central Autonomous Bodies due the open ended liability it has on the Central exchequer. This notion firmed up with the rising cost of pension, increasing life expectancy, and higher recruitments in Central and quasi Government bodies. A few anomalies/exceptions could be found on the part of Ministry of Finance, but it was because there were no consolidated policy guidelines in this regard.

However, with the directives of DO letter dated 16.03.2000, the policy stand of Government became clear with regard to treatment of pension scheme in autonomous bodies. This was the time when NPS was being formulated for Central Government employees.

Drawing parity among pre-2004 employees of Central Government and autonomous bodies may not be appropriate as the service conditions, recruitment rules and nature of duties performed by both categories of employees may not be equated. In fact, the employees of autonomous bodies are not central government employees. The autonomous bodies are administered by their own set of Regulations/Bye Laws, which varied from one autonomous body to another.

With an intent to control financial outgo and bring clarity on the administrative expense of the institutions surviving on grants in aid, Rule 230(12)(ii) of GFP, 2017 [earlier Rule 209(6)(iv)(b) of GFR, 2005] provides that grantee institutions should be encouraged to avail market based facilities in respect of Gratuity, pension, group insurance, housing or vehicle advance instead of undertaking liability on their own or Government (Annexure-XII).

To conclude, the policy with regard to the pension in central government or autonomous bodies has already attained a firm shape and demand for pension is a settled issue now, Perhaps, in line with the advice of this Department, NVS had been formulating annuity based pension scheme for its employees in consultation with the LIC, since 2013, however, the same couldn't be materialized so far because of

requirement of government budgetary support, which is once again against the policy."

35. On the matter, the Committee took oral evidence of the representatives of the Ministry of Finance (Department of Expenditure) and the Ministry of Education (Department of School Education & Literacy) during their sitting held on 05.04.2022.

36. During the oral evidence, the Committee while recollecting the discussion held with the representatives of the Ministry of Education (Department of School Education & Literacy) on the subject during their sitting held on 13.12.2021, sought clarifications on the following aspects:-

- (i) *The Government of India provided for exercising the option to switch over from Contributory Provident Fund Scheme to Group Provident Fund-cum-Pension Scheme under the Central Civil Services (Pension) Rules, 1972 in respect of the Central Government employees who were in service as on 01.01.1986. However, in the opinion of the Ministries, since the Navodaya Vidyalaya Samiti (NVS) came into existence only on 28.02.1986, their employees can be made eligible for the Pension Scheme. As a matter of fact, at least ten Institutions, namely, the National Institute of Open Schooling, National Human Right Commission, Nuclear Science Centre, Prasar Bharti, Maulana Azad National Urdu University, etc., had been established after 01.01.1986 and even then, they have been extended the facility of CCS (Pension) Scheme, 1972. While drawing a parallel between these Institutions vis-a-vis NVS, a moot question arises as to why similar Pension Scheme has not been extended to NVS?*
- (ii) *As per information furnished by the Ministry of Education (Department of Education and Literacy), the total number of NVS employees eligible for CCS (Pension) Rules, 1972 is 12,783, which is a meager number vis-a-vis the Central Government employees. In view of this, the Committee do not see any functional problem for extending the benefits of Pension Scheme to the NVS employees which appears to be their legitimate right. Both the Ministries should clarify their position on this matter.*
- (iii) *As per the averments made by the Ministry of Finance, if the Pension Scheme is extended to the NVS employees, it would put extra burden on the exchequer and hence, the Scheme cannot be implemented.*

37. In response thereof, the major points put forth by the representatives of Ministries of Finance (Department of Expenditure) and Education (Department of School Education & Literacy) before the Committee, were as under:-

- (i) *The Orders issued by the Government of India are not directly and automatically applicable to the Autonomous Bodies. The Order dated 01.05.1987 issued by the Government was though strictly applicable for the Central Government employees to switch over from the Contributory Pension Fund scheme to the General Provident Fund Scheme, various Ministries adopted the same and implemented in the Autonomous Bodies under their administrative control. However, the said Order were not made applicable to the employees of NVS as there were three requirements which are required to be fulfilled by the employees, as under:-*
 - (a) *they must be Central Government employees;*
 - (b) *they must be in service on 01.01.1986; and*
 - (c) *they must be CPF beneficiaries as on 01.01.1986.*
- (ii) *There are as many as 680 Autonomous Bodies under the administrative control of the Government of India. Out of these, in 168 Bodies/Entities, NPS is applicable whereas, out of remaining 512 Bodies/Entities, in only 188, GPF Scheme is applicable and the rest 324 Autonomous Bodies do not have GPF Scheme. NVS is one such Autonomous Body.*
- (iii) *If the superannuated and working employees of the 324 Autonomous Bodies are extended the benefits of Pension Scheme, the financial burden on the exchequer would be approximately Rs.82,000 crore. As a matter of fact, these left out Autonomous Bodies have been submitting their representations for extension of GPF-cum-Pension Scheme.*
- (iv) *The Ministry of Finance do not see the case of NVS in isolation and as a matter of fact, such issues have to be considered on the basis of extant Rule(s) and principles, besides financial implications on the exchequer.*
- (v) *Various Institutions/Autonomous Bodies which have been extended the benefits of GPF-cum-Pension Scheme are based on judgments/orders by the Courts.*

- (vi) *The Ministry of Finance can work out on an alternative workable mode of Pension which would not be imitative of Old Pension Scheme such as the annuity based scheme with the support of Life Insurance Corporation of India.*

38. Pursuant to the oral evidence of the representatives of Ministries of Finance (Department of Expenditure) and Education (Department of School Education & Literacy) on 05.04.2020, the urged the Ministry of Finance (Department of Expenditure) to furnish their final version in the matter. The Ministry of Finance (Department of Expenditure) vide their communication dated 18.04.2002, submitted:-

"Jawahar Navodaya Vidyalaya (JNVs) were established as a Central Sector Scheme which commenced in 1986-87 (except two model schools established on 28.10.1985), pursuant to the National Policy of Education, 1986. However, the responsibility of starting and running of these two model schools was under NCERT. Navodaya Vidyalaya Samiti (NVS) is an autonomous organization under M/o Education, which was established in February 1986. As mentioned in the DCN of the MoE, the appointments in Jawahar Navodaya Vidyalaya (JNVs) were made on deputation basis and the direct recruitment and permanent absorption of employees were started since the year 1989. Its employees are on "Navodaya Vidyalaya Samiti Contributory Provident Fund, 1988" w.e.f. 01.04.1988 notified on 20.12.1991 in terms of notification dated 11.11.1991 of Ministry of Finance, Department of Expenditure.

Based on the recommendations of the 4th CPC, Department of Pension and Pensioners' Welfare (DoP&PW) Office Memorandum dated 01.05.1987 issued orders strictly applicable for the Central Government employees to switch from CPF to GPF scheme. As such, like any other autonomous body, the provisions OM dated 01.05.1987 of the DoP&PW was not applicable to the employees of NVS as under the said order there were three pre-requisites to be fulfilled by the employees:-

- (i) they must be Central Government employees;*
- (ii) they must be in service on 01.01.1986; and*
- (iii) they must be CPF beneficiaries as on 01.01.1986.*

Subsequent to the OM dated 01.05.1987 of the DoP&PW, Department of School Education & Literacy moved proposals to this Department for granting the benefit of option to switch over to the GPF cum pension scheme in respect of the NVS employees. The proposals were received during 1989 to 1998, however, on each occasion the proposal could not be agreed to on the ground of the huge difference in the cost of introduction of pension scheme vis-à-vis CPF scheme. While CPF is a

one-time settlement, pension is a life-long commitment not only in respect of the pensioner but also his family. Further, the liability in respect of pension keeps rising with every pay commission/revision and revision in dearness relief.

Before implementing the NPS for the Central Government employees, this Department in the wake of rising demands for introduction of pension scheme on GOI pattern for the employees of autonomous bodies and unsustainable pension liability thereon, issued DO letter dated 16.03.2000 intimating all the Ministry/Department that introduction of pension scheme for the employees of autonomous bodies is not agreed to as a rule and hence CPF scheme may be continued to be followed. Further, Autonomous Bodies may formulate annuity scheme through LIC based on voluntary contributions of the employee and without any contribution from the Government or opt for the pension scheme introduced by the Ministry of Labour for the PF subscribers.

This Department after introduction of NPS for the employees of Autonomous Bodies in terms of order dated 13.11.2003 (Annexure-XIII), issued another order dated 30.06.2009, wherein the scope of NPS was extended to the CPF covered employees of pre-2004 era making it option for the CPF beneficiaries to migrate to the NPS regime with their CPF corpus along with the accumulations. The NVS adopted 'New Pension Scheme' for all regular employees w.e.f. 01.04.2009.

Again, in 2013, MHRD moved a draft Note for CCEA seeking approval for introduction of pension scheme in NVS and again the proposal was not agreed to. On this occasion, vide Office Memorandum dated 28.05.2013 (Annexure-XIV), the grounds for rejection were:-

- (i) Introduction of NPS for the post 2004 employees and option of migration to pre-2004 CPF employees.*
- (ii) Policy decision of the government to move away from defined benefit based pension scheme to defined contribution based pension scheme.*
- (iii) The intent and applicability conditions of Office Memorandum dated 01.05.1987 of the DoP&PW was brought to the notice of MHRD. As Neither the said Office Memorandum was applicable to the employees of NVS as they are not Central Government employee nor the cut-off date of being in service i.e., 01.01.1986 was admissible, as NVS was not in existence then.*

- (iv) Also, the NVS adopted the CPF Rules w.e.f. 01.04.1988, while the Office Memorandum dated 01.05.1987 provided that beneficiary should be a CPF beneficiary on 01.01.1986.

Another DCN was moved in July, 2013, wherein we reiterated the comments furnished vide OM dated 28.05.2013. The option to exercise the annuity scheme was also suggested on this occasion vide OM dated 18.10.2013 (Annexure-XV).

The option of legal recourse has also been exercised by some of the employees of NVS to get the benefit of the Government's Pension scheme, i.e., CCS (Pension) Scheme - 1972. The matter went up to the Supreme Court of India, where all the cases were disposed off collectively by the Hon'ble Supreme Court through a single judgment dated 20.01.2015. The Hon'ble Supreme Court while dismissing the WPs and SLP, filed in this regard, had inter alia observed that:-

"...the cut-off date is a domain of the employer and so the introduction of new scheme of pension will be done considering all the relevant factors including financial viability of the same. No interference is warranted unless there is gross injustice is perpetrated. The Appellants have failed to prove any arbitrariness and discrimination with respect to the New Pension Scheme. In the light of the discussion in the foregoing paragraphs, the writ petitions and the appeal are also dismissed."

Since then, NVS had been working out proposal in consultation with the Life Insurance Company for formulating an annuity based pension scheme. First such Annuity proposal was received in this Department April 2019, however, the proposal could not be agreed to vide ID Note dated 08.08.2019 as the scheme was designed in a manner to imitate maximum benefits of Old Pension Scheme pattern and thus required huge budgetary support from Government which was in contradiction to the earlier directions of this Department for designing a self-sustainable scheme without budgetary support from Government. Later, a similar Annuity based scheme was endorsed by Hon'ble Education Minister, in response to which certain queries were sought vide Office Memorandum dated 17.07.2020 which were never replied to. Consequently, we disposed of the VIP reference on the line of ID Note dated 08.08.2019 vide DO letter dated 21.12.2020 of Hon'ble Finance Minister (Annexure-XVI). Thereafter, no proposal for annuity based scheme was received in the Department of Expenditure.

Recently, in December, 2021, Department of Expenditure again received a proposal from Ministry of Education seeking introduction of CCS (Pension) Rules, 1972 for the

pre-2004 employees of NVS. The total number of employees proposed to be benefitted is 12,783 (9647 serving, 2611 retired and 525 deceased). The proposal was examined, however, the same could not be agreed to by this Department, vide this Department's ID Note, dated 01.04.2022 (Annexure-XVII).

Besides, some new facts that two (02) recruitments were made in the Model Schools (a UDC and a Watchman in Jhajjar) prior to 01.01.1986 have been brought out by Department of School Education & Literacy. The facts have been examined in this Department and it has been observed that the Model Schools were opened under aegis of NCERT. These Model Schools were later rechristened as Jawahar Navodaya Vidyalaya (JNVs) and brought under administrative control Navodaya Vidyalaya Samiti (NVS), an Autonomous Body registered in Feb 1986. Since, both NCERT as well NVS are autonomous bodies, the employees who recruited prior to 01.01.1986 do not fulfill the pre-requisites as stipulated in DoP&PW's Office Memorandum dated 01.05.1987 as neither they were Central Government employees nor they were in CPF on 01.01.1986 as NVS adopted its own CPF scheme, w.e.f., 01.01.1988.

In view of the above, the proposal of Ministry of Education to grant CCS (Pension) to the pre-2004 employees of NVS is totally against the policy regime of the Government of India in terms of this Department's directives dated 16.03.2000. Any decision in isolation to give Old Pension Scheme to the pre-2004 NVS employees is likely to open floodgates for approximately 1 lakh (serving and retired) employees of autonomous bodies who are not covered under Old Pension Scheme and financial outlay on this account would be huge and unsustainable. Thus, Ministry of Education has been advised to ask NVS to consider a purely contributory, self-sustainable annuity based scheme for its pre-2004 recruited employees."

OBSERVATIONS / RECOMMENDATIONS

Covering the employees of Navodaya Vidyalaya Samiti/Jawahar Navodaya Vidyalaya (erstwhile Model School) who joined their services before 1 January, 2004 under the Central Civil Services (Pension) Rules, 1972

39. After undertaking an extensive and methodological examination of the representation(s) of S/Shri Yogendra Sharma, Rahul Singh, Yogendra Bhakta, S. Kannan, Smt. K. Manjula and other Individuals/Associations, forwarded by several Members of Parliament requesting to cover the employees of Navodaya Vidyalaya Samiti/Jawahar Navodaya Vidyalaya (erstwhile Model School) who joined their services before 1 January, 2004 under the Central Civil Services (Pension) Rules, 1972 and in light of the submissions made not only by the Ministry of Education (Department of School Education and Literacy) and the Ministry of Finance (Department of Expenditure) but also by the representationists, the Committee note the following irrefutable and determining facts in relation to the case:-

- (i) Pursuant to the National Policy of Education of 1986, Jawahar Navodaya Vidyalayas (JNVs) were established as a Central Sector Scheme which commenced in 1986-87.
- (ii) On 5.8.1985, the Union Cabinet accorded approval for establishment of 432 Model Schools, one in each District of the country along with setting up of an Autonomous Organization to manage these Schools.
- (iii) Two Model Schools, one at Amravati in Maharashtra and one at Jhajjar in Haryana, was initially established. Since the Autonomous Body (AB) for managing and running these Schools was yet to be established, NCERT was assigned the task of starting these two Schools in 1985-86 and the first installment of the grant, amounting to Rs. 22.50 lakh, was released to NCERT on 28.10.1985. Besides, approval creation of the posts in these Schools was also conveyed on the same date.
- (iv) An Autonomous Body, Navodaya Vidyalaya Samiti (NVS) under the Ministry of Education, was established and registered as a Society

under the Societies Registration Act, 1860, on 28.2.1986. The appointments in Jawahar Navodaya Vidyalaya (JNVs) were made on deputation basis and the mode(s) of direct recruitment and permanent absorption were started during the year 1989. The employees of NVS/JNV are on 'Navodaya Vidyalaya Samiti Contributory Provident Fund, 1988', w.e.f., 01.04.1988 which was notified on 20.12.1991 vide Notification dated 11.11.1991 issued by the Ministry of Finance, Department of Expenditure.

- (v) Based on the recommendations of the 4th CPC, Department of Pension and Pensioners' Welfare issued Office Memorandum dated 01.05.1987, whereby all CPF beneficiaries, who were in service as on 1.1.1986 and who are still in service, would be deemed to have come over to the Pension Scheme unless specifically opted to remain under the CPF Scheme.
- (vi) Subsequently, the Department of School Education & Literacy moved proposals to the Department of Expenditure for granting the benefit of option to switch over to the GPF-cum-pension scheme in respect of the NVS employees during 1989 to 1998. However, on each occasion, the proposal could not be agreed to on the ground of the huge difference in the cost of introduction of Pension Scheme *vis-à-vis* CPF Scheme as CPF is a one-time settlement whereas, Pension is a life-long commitment not only in respect of the pensioner but also the family and further, the liability keeps rising with every Pay Commission/ Revision and revision in the Dearness Relief.
- (vii) Before implementing the New Pension Scheme (NPS) for the Central Government employees, the Department of Expenditure, in the wake of rising demands for introduction of 'Pension Scheme' on Government of India pattern for the employees of Autonomous Bodies and unsustainable pension liability thereon, issued DO letter dated 16.03.2000 intimating all the Ministries/Departments that introduction of pension scheme for the employees of Autonomous Bodies is not agreed to as a rule and hence CPF Scheme may continue to be followed. Further, the Autonomous Bodies may formulate 'Annuity Scheme' through the Life Insurance Corporation of India (LIC), based on voluntary contributions of the employee and without any contribution from the Government or opt for the pension scheme introduced by the Ministry of Labour for the PF subscribers. The Department of Education,

after introduction of NPS, w.e.f., 1.1.2004 for the employees of Autonomous Bodies in terms of Order dated 13.11.2003, issued another Order dated 30.06.2009, wherein the scope of NPS was extended to the CPF covered employees of pre-2004 era making it optional for the CPF beneficiaries to migrate to the NPS regime with their CPF corpus along with the accumulations.

- (viii) The NPS was made applicable to all regular employees of NVS, w.e.f., 1.4.2009 *vide* NVS Notification dated 4.8.2009. Those employees who had joined NVS on regular basis before 1.4.2009 were given the option either to continue with the existing CPF scheme or to join the NPS. At present, employees of NVS are being given the retirement benefits of Leave Encashment, Gratuity and Contributory Provident Fund.
- (ix) The erstwhile Ministry of Human Resource Development (*now the Ministry of Education*) moved draft Cabinet Note for introduction of GPF-cum-Pension Scheme for the employees of NVS under the CCS (Pension) Rules, 1972 in April and July, 2013. However, the Department of Expenditure had not supported the proposal *inter alia* citing a technical ground to the effect that DoP&PW's OM dated 1.5.1987 is not applicable to the employees of NVS as it was not in existence as on 1.1.1986, which happened to be the crucial date of 4th Pay Commission recommendation for switching over to GPF-cum-Pension Scheme to the employees, till then covered under the CPF rules.
- (x) The Department of Education had, in a meeting held on 17.12.2013, advised the formulation of an 'Annuity Based Scheme' in consultation with LIC which is feasible on the basis of the corpus available with NVS and the contribution made by the employees.
- (xi) The feasibility of providing pensionary benefits to the employees of NVS through the Employees Provident Fund Organization (EPFO) was also explored. However, in a meeting held by the then Secretary (School Education & Literacy) on 14.12.2016 with representatives of the EPFO and the Ministry of Labour & Employment, it was concluded that managing such a fund by the EPFO for the purpose of providing pension to the employees of NVS was beyond the mandate of EPFO and therefore, the matter could not be processed any further.

- (xii) During a brief meeting held with Hon'ble HRM on 24.10.2018, it was decided that a proposal may be taken up with the Ministry of Finance, Department of Expenditure for their consideration.
- (xiii) Since then, NVS has been working out proposal, in consultation with the LIC, for formulating an 'Annuity Based Pension Scheme' and first such Annuity proposal was received in the Department of Expenditure, in April, 2019. However, the proposal could not be agreed to as the Scheme was designed in a manner to imitate maximum benefits of OPS pattern and thus required huge budgetary support from the Government which was in contradiction to the earlier directions of the Department for designing a self-sustainable scheme without budgetary support from the Government. Later, a similar 'Annuity Based Scheme' was endorsed by the Hon'ble Education Minister, in response to which certain queries were sought *vide* the Department of Expenditure Office Memorandum dated 17.07.2020 which were never replied to. Consequently, the matter was disposed of. Thereafter, no proposal for 'Annuity Based Scheme' was received in the Department of Expenditure.
- (xiv) In December 2021, the Department of Expenditure again received a proposal from the Ministry of Education seeking introduction of CCS (Pension) Rules, 1972 for the pre-2004 employees of NVS, which was examined. However, the same was also could not be agreed to by the Department of Expenditure.
- (xv) The total number of employees eligible under the CCS (Pension) Rules, 1972 and proposed to be benefitted is 12,783 (9647 *servicing*, 2611 *retired* and 525 *deceased*).

40. Based on the above facts and chronology of events pertaining to the instant case, the Committee observe that since the year 1989, the Ministry of Education (*erstwhile the Ministry of Human Resource Development*) have been pursuing the matter with the Ministry of Finance, which did not support the proposal in regard to grant of pensionary benefits to the employees of Navodaya Vidyalaya Samiti/Jawahar Navodaya Vidyalaya (*erstwhile Model School*) under the Central Civil Services (Pension) Rules, 1972, primarily, on the technical ground that the Department of

Pension and Pensioners' Welfare Office Memorandum dated 01.05.1987 whereby, all the CPF beneficiaries, who were in service as on 1.1.1986 and who are still in service, would be deemed to have come over to the Pension Scheme unless specifically opted to remain under the CPF Scheme was not applicable to the employees of NVS/JNV, since the NVS, as a Society, was registered only on 28.02.1986 and further, it would also increase the expenditure of the Government as 'Pension Scheme' is costlier than the 'Contributory Provident Fund Scheme'.

41. Notwithstanding the contention of the Ministry of Finance (Department of Expenditure) that the employees of the NVS/JNV were not in service as on 1.1.1986, which was the crucial date for applicability of the provision(s) contained in the Department of Pension and Pensioners' Welfare (DoP&PW) Office Memorandum dated 01.05.1987, the Committee also take note of the fact that the Scheme of Navodaya Vidyalayas (*erstwhile* Model Residential School) was already approved by the Union Cabinet and were in existence since August, 1985, i.e., much before the cut-off date for being eligible for the GPF-cum-Pension Scheme. Although, NVS, as a Society, was registered on 28.02.1986, it might be due to some administrative delay on account of time consuming and cumbersome registration process, which is nothing more but merely a technical requirement for the employees for being eligible for the Pension Scheme. Moreover, the cut-off date of 01.01.1986 is the outer limit for getting the benefit of the requisite option to remain under the CPF, as per the relevant DoP&PW Office Memorandum dated 01.05.1987, which signifies that after 01.01.1986, it is only logical that one would have deemed to come under CCS Pension Rules and would no longer have an option to be under the CPF, unless an individual specifically opts out to continue under the CPF Scheme. Even though, the NVS employees were not under CPF Scheme as on 01.01.1986, since the two employees were appointed in Model Residential School on direct recruitment basis on 11.12.1985, they *de jure*

come under CCS Pension Rules. Secondly, as on 31.03.2021, the NVS is already in possession of Rs. 1104 crore as Management Share with interest, which could be conveniently returned to the Government. On the other hand, there would be a saving of Rs. 110 crore annually, being the Government contribution towards Management Share. With this amount, the fund requirement under the CCS pension for the NVS employees could be met for at least about 8 to 10 years without any additional expenditure by the Government. Further, since the actual applicability of this already delayed proposal would only be limited to those NVS employees who were in service prior to 01.01.2004, *i.e.*, a meagre 9647 individuals (*who are still in service as on 31.3.2021*), with 93 per cent of employees retiring over the next 15 years, the proposal, from any stretch of imagination, does not appear to be open-ended as the financial requirement would witness a peak not before the year 2029-30 and, thereafter, substantially starts declining.

42. While expressing concern over the plight of the NVS employees who were in service prior to 01.01.2004 on account of denial of legitimate right in the form of pensionary/terminal benefits under the Central Civil Services (Pension) Rules, 1972, the Committee recommend the Ministry of Education (Department of School Education and Literacy) to revisit the entire case in consultation with the Ministry of Finance (Department of Expenditure) by taking into account all the aspects, *viz.*, administrative, financial, legal, welfare, ethical, etc., so that the employees of Navodaya Vidyalaya Samiti/Jawahar Navodaya Vidyalaya (*erstwhile* Model School) who joined their services before 1 January, 2004 are covered under the Central Civil Services (Pension) Rules, 1972. The Committee would like to await a positive outcome in this regard, without any further bureaucratic riders, within three months of the presentation of this Report to the House.

Relative contradiction of extension of Pensionary Benefits under the Central Civil Services (Pension) Rules, 1972 in the Autonomous Bodies/Organisations established after the Navodaya Vidyalaya Samiti/Jawahar Navodaya Vidyalayas

43. Based on the information furnished by the Ministry of Education (Department of School Education and Literacy) and the Ministry of Finance (Department of Expenditure), the Committee take note of the fact that the following 10 Autonomous Bodies/Organisations, under administrative control of the various Ministries/ Departments of Government of India, which were established much after the creation of Navodaya Vidyalaya Samiti, have already been covered under the Central Civil Services (Pension) Rules, 1972:-

- (i) National Institute of Open Schooling (NIOS).
- (ii) Inter University Consortium for Department of Atomic Energy Facility (IUC-DAEF).
- (iii) Inter University Centre for Astronomy and Astro Physics (IUCAA).
- (iv) Information and Library Network Centre (INFLIBNET).
- (v) Nuclear Science Centre (NSC).
- (vi) Consortium for Educational Communication (CEC).
- (vii) National Human Right Commission (NHRC).
- (viii) National Assessment and Accreditation Council (NAAC).
- (ix) Prasar Bharti.
- (x) Maulana Azad National Urdu University, Hyderabad.

44. Though the terms and conditions on which the Pension Scheme under the relevant Rules has been extended to the aforementioned 10 Autonomous Bodies/

Organisations might be distinct, yet the determining and binding factor that equalizes these 10 Bodies/Organisations with that of NVS remain unchanged as all these entities come under the ambit and control of Government of India. Since NVS is also an Autonomous Body under the Ministry of Education (Department of School Education and Literacy) and established much before these Autonomous Bodies/Organisations came into existence, the Committee are not able to comprehend the reasons for adopting a distinct approach and an asymmetrical administrative formulations for extending the benefit of CCS Pension Scheme to the employees of NVS/JNV *vis-à-vis* the above said Autonomous Bodies/Organisations. The Committee are pained to point out when the employees of these 10 Autonomous Bodies/Organisations could enjoy the fruits of pensionary benefits under the CCS Pension Rules, on their retirement, what deters the Government in extending similar benefit to the employees of Navodaya Vidyalaya Samiti, many of whom have been away from their family and incessantly serving in Residential Schools which are mainly located in rural and far-flung areas. The Committee, therefore, strongly feel that the entire policy formulations of the Ministry of Finance (Department of Expenditure) for denial/non-extension of the benefit of CCS Pension Rules to the employees of Navodaya Vidyalaya Samiti should be reviewed keeping in view the tenets of equity and fair play.

45. On this backdrop, the Committee recommend the Ministry of Education (Department of School Education and Literacy) and the Ministry of Finance (Department of Expenditure) to re-examine the grounds on which the Autonomous Bodies/Organisations, which were set up much after the establishment of Navodaya Vidyalaya Samiti, were covered under the Central Civil Services (Pension) Rules, 1972 so that possibility for extension of the Pension Scheme under the Central Civil Services (Pension) Rules, 1972 in respect of the Navodaya Vidyalaya Samiti/ Jawahar

Navodaya Vidyalayas, could be explored and justifiably settled once and for all. The Committee would like to be apprised of the action taken in this regard within three months of the presentation of this Report to the House.

Court Judgments on extension of Pensionary Benefits under the Central Civil Services (Pension) Rules, 1972 to the employees of Navodaya Vidyalaya Samiti/ Jawahar Navodaya Vidyalayas vis-à-vis other Autonomous Bodies/Organisations

46. During the course of examination of the representations, the Committee were informed by the Ministry of Education (Department of School Education and Literacy) that Writ Petition (Civil) Nos. 556/2012 and 518/2012 were filed by the Principals and other officials of Jawahar Navodaya Vidyalayas seeking issuance of directions to the Respondents, i.e., the Union of India to introduce and implement the Central Civil Services (Pension) Scheme, 1972 to all the employees of Navodaya Vidyalaya Samiti. The Committee were further informed that an Special Leave Petition (Civil) No. 19102/2012 was filed separately by Shri P.N. Mishra against the Order dated 9.12.2012 passed by the High Court of Jharkhand dismissing the Writ Petition filed by him. These cases were disposed of collectively by the Supreme Court through a single judgment dated 20.1.2015, wherein, the Supreme Court, while dismissing the above Writ Petitions and Special Leave Petition had *inter alia* observed, as under:-

“...The cut-off date is a domain of the employer and so the introduction of new scheme of pension will be done considering all the relevant factors including financial viability of the same. No interference is warranted unless there is gross injustice is perpetrated. The Appellants have failed to prove any arbitrariness and discrimination with respect to the New Pension Scheme. 39. In the light of the discussion in the foregoing paragraphs, the writ petitions and the appeal are also dismissed...”

47. On the reasoning of extension of pensionary benefits of GPF-cum-Pension Scheme under the Central Civil Services (Pension) Rules, 1972 to various

Autonomous Bodies/Organisations, the representatives of the Ministry of Finance (Department of Expenditure), during the oral evidence held on 05.04.2022, deposed before the Committee and informed that the Autonomous Bodies/Organisations who have been extended the benefit of GPF-cum-Pension Scheme are purely based on the judgments/orders by the Courts. Further, the representatives of Ministry put forward an unconvincing argument that since the Writ Petition of the employees of Navodaya Vidyalaya Samiti has already been dismissed by the Supreme Court, the demand of extending the benefit of CCS Pension Rules to them would be weighed only after taking into account the overall financial burden on the exchequer. The Committee, therefore, do not subscribe to the logic put forward by the Ministry of Finance (Department of Expenditure) for denying the extension of the benefit of CCS Pension Rules to the employees of NVS and urge them to devise an innovative and out-of-box solution to resolve this long pending impasse. The Committee would like to be apprised of the action taken/proposed to be taken in this regard within three months of the presentation of this Report to the House.

Formulation of an 'Annuity Based Pension Scheme' with the support of Life Insurance Corporation (LIC)

48. The Committee take note of the fact that NVS had earlier proposed for three options for 'Annuity Based Pension Scheme' through the Life Insurance Corporation of India along with their financial implications. However, in response thereto, the Department of Expenditure has time and again reiterated that it would not be possible to support any such proposal for 'Annuity Scheme' with part funding from the Government of India by way of Grants-in-aid and suggested that pension fund may be set up in such a way that there is no Government support.

49. In this context, the Committee are of the opinion that it is a rich heritage of our country that 'Teaching' has always been considered as a noble profession and the 'Schools' have invariably been regarded as 'Temples of Education' and not any commercial and profit-making entities. An employee, after serving an Organization for decades and retiring on attaining the age of superannuation, invariably crave for some uninterrupted social security in the form of pension for subsistence at an advanced age. Cherishing these ethos, the Committee are of the opinion that the case of NVS Pension has to be examined by the Executive Authorities keeping in view the principles of natural justice and on humanitarian grounds rather than considering only the financial, administrative and legal aspects. In the considered opinion of the Committee, internal resources could be generated by the NVS to make the pension proposal a self-supporting one to a large extent through certain measures, viz., review of the existing fee structure in the JNVs, additional resource generation by the 12 Navodaya Leadership Institutes (NLI), formulation of various training programmes, levying a reasonable price for the JNVST prospectus (*which is presently distributed free of cost*), accepting contribution from JNV alumni, etc. Besides, the Government could also lend a helping hand by offering a one-time contribution from the Education Cess collections to consider the long-pending demand of the employees of NVS in a positive manner.

50. The Committee, therefore, recommend the Ministry of Education (Department of School Education and Literacy) to once again consult the Ministry of Finance (Department of Expenditure) for rendering all possible assistance to the NVS to formulate a workable 'Annuity Based Pension Scheme' with the support of Life Insurance Corporation of India so that it could attract a lesser support in the form of Grants-in-aid by the Government and on the other hand, which could also satisfy the maximum number of affected employees of NVS/JNVs who joined their services prior

to 1.1.2004. The Committee would like to be apprised of the action taken/proposed to be taken in this regard within three months of the presentation of this Report to the House.

NEW DELHI;

19 May, 2022

28 Vaishaka, 1944 (Saka)

HARISH DWIVEDI,
Chairperson,
Committee on Petitions.

NAVODAYA VIDYALAYA EMPLOYEES WELFARE ASSOCIATION

(REGD. IN DELHI UNDER SOCIETIES REGISTRATION ACT 1860 REGISTRATION NO. DISTRICT-SHAHDARA/SOCIETY/1561/2020)

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Yogendra Sharma,
President
08708865858

Area of Operation- All INDIA

Ramesh Singh
General Secretary
09554362044

Ref.No: NVEWA/CEC/2020/GS/SRE/

Date- 11/ 10/ 2021

Hon. Devusingh Chauhan
(M.P. Kheda, Gujrat)
National Patron

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- Maliram Sharma
- Narendra Surayvanshi
- Durga Prasad
- Dinesh Negi
- Dr Suman Kumar Singh

To
Shri Harish Dwivedi ji
Honb'le Member of Parliament
Chairman, Petitions Committee of Parliament
New Delhi

6184

Sub.- A plea to bring the employees of Navodaya Vidyalaya Samiti under the ambit of CCS (Pension)1972, to be presented before Petitions committee.

Respected Sir,
Hearty congratulations on behalf of NVS Employees on being appointed as Chairman, Petitions Committee of Parliament.

With earnest supplication we humbly place the long pending rightful demand to bring the employees of Navodaya Vidyalaya Samiti a fully Government funded educational organization with several unique Characteristics completely dedicated to the educational and social Welfare of poor talented children of our country for a renewed genuine consideration from your end.

Background:

1. In accordance with the National Policy of Education 1986, under the Ministry of Human Resource Development (MHRD), Govt. of India Started Jawahar Navodaya Vidyalayas with the following objectives:-

- (i) To provide good quality modern education including a strong component of culture, inculcation of values, awareness of the environment, adventure activities and physical education to the talented children, predominantly from rural areas.
- (ii) To ensure that students attain a reasonable level of competency in three languages.
- (iii) To promote national integration through migration of students from Hindi to Non- Hindi speaking state and vice versa.
- (iv) To serve in each district as a focal point for improvement of quality of School education in general through sharing of experiences and facilities.

2. On 28.10.1985 the Ministry of HRD, GOI had decided to set up two model schools in Amravati (Maharashtra) and Jhajjar (Haryana) and granted aid to NCERT for the purpose of running the school. The various issues relating to the model schools scheme and also decide to open such schools all over the country under New Education Policy were deliberated upon on 05.11.1985 at a meeting held under the chairmanship of Shri P.V. Narasimha Rao, Minister of Human Resource development. It was after this meeting two new model schools were opened in Jhajjar (Haryana) and Amravati (Maharashtra) which were later named as Navodaya Vidyalaya and subsequently renamed as Jawahar Navodaya Vidyalaya.

3. On 9-1-1986, a librarian was appointed on regular basis clearly stating in the appointment order that if the employee did not opt for contributory Provident Fund Scheme within a period of 6 months, then the employee would be automatically governed by the GOI CCS Pension 1972 Scheme.

4. Navodaya Vidyalaya Samiti was established as a society under societies registration Act, 1860, at New Delhi on 28.02.1986 to manage all the affairs of Jawahar Navodaya Vidyalayas throughout the country as a single umbrella organization under the Department of School education and literacy and its registered office was situated at room no. 107 'C' Wing Shastri Bhawan New Delhi.

5. In the Memorandum of Association framed and registered by NVS under the "Regulations" of "The Functions & Powers of the Executive committee" it has been clearly stated at para 24(ii)(I) "to determine procedures for payment of pension, gratuities or provident fund of employees of the Society or to their wives, children or other dependents.

6. Notification vide No. 14-2/93-NVS(Vig) dated 20.12.1993, wherein the Samiti adopted the aforesaid notification and further decided with the approval of the Executive Committee that the relevant provisions of the Central Civil Services (Classification, Control And Appeal) Rules, 1965 to be applicable to all staff and member of the Samiti.

7. As of now 645 JNVs are working in India at the rate of one Vidyalaya in each district with classes running from 6 to 12 with a capacity strength of 560 students and around 35-40 staff. There are 08 Regional offices and one Headquarter functional for the same.

8. The Government of India has extended the pay structure and other Service conditions to the employees of Navodaya Vidyalaya Samiti at par with other central Government employees. Navodaya Vidyalaya Samiti has also adopted mutants-mutandis; Government India rules and regulation on service matters for its employees. This decision of the Executive Committee had been notified to all concerned vide No. F.6/1/92-NVS(Admn.) dated 30.03.1992 and accordingly NVS is following all Govt. of India Rules with regard to service conditions of its employees.

9. First installment of Grant-in aid of Rs. 22.50 lakhs for meeting expenditure for these schools was also released by the Government on 28.10.1985. Thus, the posts for the JNV have also existed prior to 01.01.1986.

10. Navodaya Vidyalaya Samiti had introduced contributory pension scheme during 1991 without allowing the employees to opt for GOI pension. CPF is applicable to persons appointed on contract for a specified period, re-employed employees after retirement and those serving in scientific and technical organization who enter service at a higher age and not for regular employees

11. The Ministry of Personnel, Public Grievances and Pensions department of Pension and Pensioners' Welfare New Delhi, had circulated an Office memorandum vide No. 4/1/87-PIC-1, which had been "directed to state that the Central Govt. employees who are governed by the Contributory Provident Fund (CPF) have been given repeated options in the past to come over to the Pension Scheme. The last such option was given in the Department of Personnel and Training O.M. No. F.3(1)-Pension Unit/85 dated 6th June, 1985. However, some Central Govt. employees still continue under the CPF.

12. The Fourth Central Pay Commission has now recommended that CPF beneficiaries in service on January 1, 1986, should be deemed to have come over to the Pension Scheme on that date unless they specifically opt out to continue under the CPF Scheme.

13. There view committee setup by the ministry of Human Resource development Government of India under the chairmanship of Sri YN Chadurvedi, ex-secretary to the government of India on the functioning of JNVs, interlaid

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recommended grant of CCS(Pension) rules 1972, to the staff of Navodaya Vidyalaya Samiti. It is unfortunate that most of these commendations of the said committee has been accepted by the government except implementation of the pension scheme.

14. The parliamentary subcommittee under the chairmanship of Sri Vayalar Ravi MP, setup for the purpose of evaluating the performance of Navodaya Vidyalaya Samiti in its recent report has strongly recommended to introduce Government of India pension scheme to all the employees of Navodaya Vidyalaya Samiti with a view to sustain and improve the quality of education and also to attract talented teachers to the system.

15. The parliamentary standing Committees 154, 184 and 198 have strongly recommended the introduction of GOI Pension to employees of NVS and recorded its surprise and vehemence in discriminating NVS staff. While staff of similar organizations with less credentials as JNVs like KVS, NIOS, Central Tibetan Schools etc have been granted GOI Pension scheme.

16. Vide letter no. C-33011/10/81-vig. Dated May 19, 1981 from Sri. M R Kolhatkar Joint Secretary, Ministry of Education & Culture had urged NVS along with all heads of Autonomous Organizations under Ministry of Education & Culture to introduce provisions of the CCS (Pension) Rules 1972 in line with the Central Vigilance Commission's observation in order to curb corruption and prosecute corrupt employees after retirement. The same was reminded several times by CVO, MHRD with a request to introduce GOI pension in NVS by August 31, 1995.

17. Extract of the program on National Policy of Education 1986 on recruitment of old age benefits for teachers is appended below.

"ALL teachers in government and local bodies and institutions created by GOVERNMENT OR ACTS OF PARLIAMENT/STATE LEGISLATURE WILL BE ELIGIBLE FOR RETIREMENTARY, MEDICAL BENEFITS IDENTICAL WITH GOVERNMENT SERVANTS. TEACHERS IN AIDED AND PRIVATE INSTITUTIONS WILL ALSO BE ELIGIBLE FOR SUCH BENEFITS IN ACCORDANCE WITH SUCH DIRECTION AS MAY BE ISSUED BY THE GOVERNMENT FROM TIME TO TIME."

18. It is also relevant to mention that the programme of action on National Policy of Education 1986 is a policy document which was deliberated at length in both the house of parliament and approved for implementation there of the union Government is committed to extend with retirement benefit to the teachers working in central autonomous organizations at par with central Government employees. However it seems that the Government has restricted its extension only to higher institutions and technical bodies.

19. During the period of 1995-96, the Ministry of HRD vide their letter no: 8- 43/95-UT-II dt 31st Aug 1995 requested to the Director Mrs. Neerunanda to take urgent action for review of relevant rules and regulations and implement CCS (Pension) rules 1972.

20. The deputy secretary through the above mentioned letter had mentioned as follows-"As the NAVODAYA VIDYALAYA SAMITI does not have pension Scheme I shall be grateful if you kindly take necessary action as enclosed in the letter for review of the relevant rules with a view to introduce the provisions of the CCS(Pension) scheme 1972 as it would facilitate imposing of penalty on its employees for the acts of omission and commission committed during their service period and inform the action taken report in this matter at the earliest" The then Director did not take appropriate actions on this matter. The negligence of the responsible officer has put thousands of dedicated government servants in anguish and despair.

21. Another DO letter D.O.No.C.33011/10/81-Vig New Delhi date 17 July 1995 was also addressed to Director Navodaya Vidyalaya Samiti to implement CCS (Pension) rules 1972. In continuation to the same another letter D.O.no.C33011/10/81 Vig dt. 10th Oct 1995 was also served to the Director Of the Samiti stating that the information in respect of Navodaya

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Vidyalaya Samiti was still awaited. In Nut shell an appropriate action was not taken by Navodaya Vidyalaya Samitito introduce central Government pension Scheme during 1995.

22. There was no gratuity scheme introduced by Navodaya Vidyalaya Samiti Till 23-11-2001 until some ex-employees of the Samiti filed cases before the Central labour commission for extension of provision of gratuity under the Payment of gratuity act 1972. Later Navodaya Vidyalaya Samiti extended Provision of gratuity vide office order no.118/2001NVS (admin) dt 23-11 2001 and communicated the decision taken by the executive committee to adopt payment of gratuity act 1972 for its employees with retrospective effect from 3rd April 1997. But the same was suspended for the teachers, vice principals and principals vide order no:1-18/01-NVS admin dt.31st march2004.

23. This order advising the drawing & disbursing office not to release gratuity to teachers, Vice principals and Principals is said to have been issued as per judgment of the Hon'ble supreme court of India in civil appeal no: 6369/01 in the judgment delivered on 13-01-04.The Supreme Court held that teachers are not covered by the definition of employees under section 2(e) of the payment of gratuity act 1972 and as such are intended not to be covered for the gratuity benefits.

24. The Hon'ble Supreme Court in its judgment referred above has made certain important observations, while disposing CA no 6369/01, that their conclusion of teachers not covered by the definition 2(e) of the gratuity act 1972 should not be misunderstood that teachers are not entitled for gratuity benefits. The Hon'ble court commends to make appropriate legislation to provide better benefits more or less beneficial than the gratuity benefits provided under the act. The text of the conclusion of the Supreme Court is appended below for your ready reference "Our conclusion should not be misunderstood that teachers although engaged in very noble profession of educating our young generation should not be given any gratuity benefit. There are already in several States separate statutes, rules and regulations granting gratuity benefits to teachers in educational institutions which are more or less beneficial than the gratuity benefits provided under the Act. It is for the Legislature to take cognizance of situation of such teachers in various establishments where gratuity benefits are not available and think of a separate legislation for them in this regard. That is the subject matter solely of the Legislature to consider and decide".

25. The secretary (SE&HE) of Ministry of HRD had convened a meeting on 21-06-2000 to discuss the issues related to extension of pension and DCRG benefits to the employees of Navodaya Vidyalaya Samiti, Indian Institute of Management and IIT. The Secretary informed the members that the non availability of the pensionary benefits in the newly created organization has resulted in non attracting quality staff in the institution and also mobility from other institution is restricted in view of the benefits not available in these institutions.

26. Another meeting under the chairmanship of secretary (SE&HE) was held in Sastribahvan on 15th Nov 2000 regarding extension of pensionary benefits to the staffs of Navodaya Vidyalaya Samiti, new IIT, IIM requesting central Government to give approval to the introduction of pension scheme under the central civil service pension rule FNo 19/99 dt 20-11-2000. Still the employees are not extended with pensionary benefits including gratuity to the teaching staff.

27. Rule 149(4)(IV) of general financial rules of Government of India Provides-

"All autonomous bodies or guarantee institutions which receive more Than 50% of the recurring expenditure in the form of grant-in-aid should formulate terms and condition of service of their employees so that by and large they are broadly comparable to those applicable to similar categories of employees in central government."

28. The Navodaya Vidyalaya Samiti is fully funded by the Government of India. Since the Samiti has been provided 100% fund in form of grant-in-aid by the ministry of HRD. Hence the employees are eligible for pensionary benefits to those applicable to similar categories of employees in autonomous organizations of Government of India viz KVS, NIOS (National Institute of Open Schooling), Central Tibetan school organization etc.

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29. Chapter 9 of extracts of 4th pay commission report deals with the extension of contributory provident fund scheme which has been accepted by Government of India, clearly views the following facts on the applicability. "While the government employees in general are governed by the pension scheme, persons appointed on contract for a specified period, re-employed employees after retirement and those serving in scientific and technical organization who enter service at a higher age are coming under contributory Provident Fund Scheme"

30. "In so far as CPF beneficiaries still in service as on Jan1st1986 are concerned, were commend that they should have deemed to came over to the pension scheme on that date unless the specifically opted to continue under the CPF scheme should not be eligible for that scheme on retirement for payment recommended by us for the CPF retirees."

31. The Ministry of Personnel & Public Grievances and Pension vide their office memorandum no: DP&PW,OM no.4/1/87-PIC-1dt1-05-1987 has conveyed the acceptance of above recommendation of 4th pay commission and allow all central government employees including autonomous bodies for switching over from CPF Schemetopensionschemewitheffect1-1-1986. However in the case of Navodaya Vidyalaya Samiti employees the said option was not allowed and contrary to the spirit of the recommendation of the 4th pay commission, CPF scheme which is clearly meant for re-employed pensioners and contract employees has been extended in the year 1991 retrospectively from 1988. The above act of Navodaya Vidyalaya Samiti to introduce CPF Scheme without consulting the employees of Navodaya Vidyalaya Samiti is against the spirit of the rules which requires serious interventions.

32. There are many organization s for which pension scheme has been introduced by Government of India. This has been implemented by providing an opportunity to the employees to exercise their option to change over from CPF to General Provident fund-cum pension scheme until the year 2002 based on the recommendation on 4th pay commission However in the case of Navodaya Vidyalaya Samiti this is also not done, thereby the teachers in particular have lost anopportunity to have pension scheme implemented.

33. There are many Central Government organizations which had introduced pension scheme after the existence of Navodaya Vidyalaya Samiti. Government has also allowed many organizations to switch over to Government of India pension scheme during the recent past. It may kindly be seen that NIOS,IIPA,NHRC,IGNUO, IIT-Roorkee, Konkan Railway Corporation have introduced GPF cum pension scheme where as the same has not been done in Navodaya Vidyalaya Samiti.-It is worth examining here that while, Ministry of financere commended LIC pension scheme to Navodaya Vidyalaya Samiti, LIC itself has granted provisions Under the CCS (Pension rules) to their employees during the year 1995.

34. IIT Kharagpur and IIT Bombay gave an option to all its employees to Change over from CPF/CPG to GPC cum Pension cum Gratuity Scheme. NIT Kurukshetra has also been given GOI pension very recently, prior to which 5 departments of Inter University Councils including NAAC and Punjab University have also been given GOI pension scheme. Similar option can be given to NVS on account of the unique nature of the institutions.

35. The following institutions are enjoying the benefit of the Pension scheme after the coming of existence of Navodaya Vidyalaya Samit-

Name of the Organization	Status	Effective Date
Life Insurance of India	Statutory Insurance Corporation	1.1.1993
General Insurance Corporation Of India	Statutory Insurance Corporation	1.1.1993
National Insurance Company Limited	Statutory Insurance Corporation	1.1.1993

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The New India Assurance Company Limited	Statutory Insurance Corporation	1.1.1993
The Oriental Insurance Company Limited	Statutory Insurance Corporation	1.1.1993
The United India Insurance Company Limited	Statutory Insurance Corporation	1.1.1993
National Human Rights Commission	Statutory Body under MHA	Pension Scheme Introduce on the basis of D.O. letter written by the JS Ministry of Home Affairs to the Secretary NHRC
Indian Institute of Public Administration	Registered society Under DOPT	GOI provided Rs.400lacs for a nonrecurring pension corpus fund in 1997-98 & 98-99
National Open School	Registered Society Under MHRD	Pensionary benefits extended to the employees of NIOS from the date of registration as a society i.e. 23-11-89 on the Ground that earlier this was started as a project under CBSE/ Department of Secondary Education & Higher Education
IGNOU	Central University(set up in September 1985)	
Central Tibetan School Administration	Registered Society Under MHRD	Vide Circular No. F 2231/86 dated 2nd March 1988 with The approval of GOI
Mizoram University	Central University under MHRD (Established in the Year 2001)	
Maulana Azad National Urdu University Hyderabad	Central University under MHRD (Established in the year 1998)	
IIT Roorkee	Notification dated 25-1-2002 issued on the basis of Govt. of India	

Address-Yogendra Sharma, Jawahar Navodaya Vidyalaya, Devratala, Distt- Bhiwani (Haryana) Mo.No-08708865858

	Ordinance No.6 of 2001 dated 21-9-2001 while declaring the University of Roorkee as IIT	
Konkan Railway Corporation Ltd.	A Government of India Undertaking set up in 1998	With the Approval of BOG –Meeting held on 27-1-2004

36. It was decided in the XXI Executive Committee of NVS held on 9-8-2001 to take up the welfare measures of pension and gratuity to the employee of NVS with the Ministry to enable the teachers to commit themselves and contribute for better performance of the schools.

37. The Government of India vide the Ministry of finance department of economic affairs ECB and PR division vide notification no: F(84)/2003-ECB & PR dt 2004 communicated to the commissioner Navodaya Vidyalaya Samiti by UT-2 section of Ministry of HRD through their letter no.F5-7/98- UT-2 dt 25th August 2004 on a clarification on the applicability of new contributory pension scheme to Navodaya Vidyalaya Samiti where no pension scheme is available has made the following clarifications-

- a. Department of expenditure has already clarified through circular OM no: 1(13)/E.V/2001 dt 15th March 2004 that all persons joining in autonomous body/public sector undertaking in the administrative control of different Ministries/Departments on or after 1-01-2004 will compulsorily be covered by new pension scheme, while GPF cum defined pension scheme would be limited to the employee who had joined before 1st January 2004.
- b. The new defined contributory pension scheme is replacement of the existing system of defined benefit pension scheme.
- c. The old GPF-cum-pension scheme would be substituted by the new pension scheme for employee joining the central Government on or after 1-01-2004.
- d. If there is no pension scheme available then whether to have _____ pension scheme or not is an issue of employer employee relationship and the decision should be taken by Navodaya Vidyalaya Samiti in this regard.

38. The MHRD, Dept of Secondary and Higher Education in the month of march 2006 had prepared a Cabinet Note for introduction of CCS Pension 1972 for the employees of Navodaya Vidyalaya Samiti and submitted to Govt. of India to be placed before the Cabinet for consideration.

39. On 2.03.2006 the Joint Commissioner NVS wrote a letter to Director, ministry of HRD for introduction of Pension Scheme in NVS.

40. Various representations were made by the All India Navodaya Vidyalaya Staff Association as well as the Officers of NVS, to various Departments of the Govt. of India, to implement the Pension Scheme under CCS Pension rule, 1972, but none was responsible to reply to any representations.

41. It was decided in the XXI Executive Committee of NVS held on 9-8-2001 to take up the welfare measures of pension and gratuity to the employee of NVS with the Ministry to enable the teachers to commit themselves and contribute for better performance of the schools.

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42. A letter was written by Under Secretary to Govt. of India, Ministry of labour and Employment addressed to Director, Ministry of HRD directing the Ministry of HRD for introduction of CCS Pension Scheme for employees of NVS including teachers.

43. The Joint Director, Ministry of Finance by letter dated 5-12-2006 informed the Commissioner NVS that the Ministry of Finance does not support any midcourse correction in the service conditions of the employees relating to pension resulting in an open ended liability on the Government of India. However, Ministry of Finance approved introduction of New Pension scheme for all regular employees of NVS who joined on or after 1-1-2004.

44. The Commissioner of Navodaya Vidyalaya Samiti/ Jawahar Navodaya Vidyalaya, who is the controlling authority of NVS/JNVs, New Delhi vide its recommendation, after due enquiry and examining all pros and cons of the entire matter, has recommended for enforcement of the pensionary benefits under CCS pension Rule,1972 to the Teaching & Non-Teaching staffs of NVS/JNVs through its letter[Ref.No.F.12-17/02-NVS(Estt.)], wherein he specifically mentioned that several sister organizations like Kendriya Vidyalaya Sangathan, National Institute of Open Schooling (NIOS), Central Tibetan Schools Organization etc. are enjoying the retirement benefits, whereas the employees of a prestigious institutions like Jawahar Navodaya Vidyalayas deprived of the same.”

45. On 01.05.2008, representation from All India Navodaya Vidyalaya Staff Association(Ranchi Unit) {RefNo. AINVSA/RU/08} was made to the chairman, Review Committee, With Pay Commission-cum-Cabinet Secretary for grant of Pensionary benefits under CCS (Pension) Rules, 1972 to the employees of NVS.

46. On 17.06.2008, Representation from All India Navodaya Vidyalaya Staff Association(Central Executive Committee) {Ref No. AINVSA/CEC/2008/17- 6} was made to the Hon'ble Minister for Human Resource Development, Govt. of India, for grant of CCS Pension and Higher Pay Scales to the staff of Navodaya Vidyalaya Samiti.

47. On 29.06.2009 Shri. P.Karuna karan, MP wrote a letter to the Minister of HRD to extend the benefits of CCS Pension Rules 1972 to the employees of NVS who joined prior to 1-1-2004.

48. On 05.08.2008, Representation from All India Navodaya Vidyalaya Staff Association (Central Executive Committee) {RefNo. AINVSA/CEC/2008/17- 6} was made to the Hon'ble Prime Minister, Govt. of India, for grant of CCS pension and Higher Pay Scales to the staff of Navodaya Vidyalaya Samiti.

49. The Ministry of Human Resource Development, Department of School Education & Literacy, vide letter no.F-5-7/98-UT-1, has conveyed the approval of the Union Cabinet for introduction of the New Pension Scheme of Govt. of India to all regular Navodaya Vidyalaya Samiti (NVS) employees joining NVS after its notification by the Samiti and giving an option to the regular employees of NVS as on the date of notification to continue with the existing CPF Scheme or to join the New Pension Scheme.

50. On 16.06.2009, All India Jawahar Navodaya Vidyalaya Principals' Forums sent a representation to the HRD Minister seeking extension of benefit.

51. On 14.09.2009, Minister of Parliamentary Affairs and Water Resources Shri. Pawan Kumar Bansal wrote a letter to Shri. Kapil Sibal, requesting to extend the benefits of CCS Pension Rules 1972 to those employees who have joined prior to 1-1-2004.

52. On 09.11.2009, the Joint Action Committee of Employees Association/ Forum of Navodaya Vidyalaya Samiti sent a representation to Shri. Kapil Sibal Hon'ble Minister of HRD for introduction of GPF cum Pension Scheme to the employees of NVS who joined prior to 1-1-2004.

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53. On 23.11.2009, Member of Parliament Shri. Rudramadhab Ray gave notice under Rule 184 of the Rules of Procedure and Conduct of Business in Lok Sabha to move a motion regarding non-implementation of GPF cum Pension Scheme under the CCS Pension rules 1972 for employees of NVS who have joined prior to 1-1-2004.
54. On 30.11.2009, Member of Parliament, Shri. Magunta Sreenivasulu Reddy wrote a letter to Prime Minister and also Minister for HRD requesting to provide CCS Pension benefits to the employees of NVS.
55. On 03.12.2009, the Additional Director, Lok Sabha Secretariat sent a letter to the Ministry of HRD asking for a Note indicating the factual position with regard to the materialized in the Notice of Motion dated 23-11-2009.
56. On 10.12.2009, the Deputy Secretary, Ministry of HRD wrote a letter dated 10-12-2009 to the Commissioner of NVS to send an explanatory note along with financial implication for extending the CCS pension scheme to its employees of NVS who have joined prior to 1-1-2004.
57. On 29.01.2010, the Under Secretary to GOI, Ministry of HRD wrote a letter to the Commissioner enclosing the copy of the Minutes of the meeting where by it was recorded in the meeting that the Secretary would take up the issues with the Ministry of Finance for an early decision.
58. Introduction of New Pension Scheme is against the Policy of Pension as NPS can not be introduced without substituting an existing Pension Scheme. As NVS does not have CCS pension introduction of NPS by substitution is against the established rules.
59. On 06.03.2010, the Joint Action Committee of Employees Association/ Forum of Navodaya Vidyalaya Samiti sent another representation to the Minister for Finance requesting to provide GPF cum Pension Scheme 1972 to the employees of NVS who were in service prior to 1-1-2004.
60. On 12.05.2010, The Commissioner of Navodaya Vidyalaya Samiti wrote A letter to the SC Khuntia, Joint Secretary, Ministry of HRD requesting the Government to extend the pensionary benefits to the employees who have joined NVS before 1-1-2004 under the CCS Pension Rules 1972. 61. On 23.11.2011, All India Navodaya Vidyalaya Staff Association sent a representation to Her Excellency The President of India to implement the CCS Pension 1972 to all the staff who have joined prior to 1-1-2004.
62. As per the decision taken by the Government of India on the recommendations of the Fourth Pay Commission, all the CPF beneficiaries as on 1st January 1986 had been given an option to switch over to Pension GPF Scheme. As on 1st January 1986, Navodaya Vidyalayas were Administered by National Council of Education Research and Training on behalf of Ministry of Human Resource Development. This being the position, the employees of the Navodaya Vidyalaya sought to have been given an option to come over to Pension GPF Scheme on 1-1-1986. It is unreasonable and irrational on the part of the Union Government to deny such a benefit to the employees of Navodaya Vidyalayas on the specious plea that NVS was registered as a society under the Societies Registration Act 1860 in Feb 1986. It needs to be emphasized here that there is no law which debars the employees of an autonomous body from getting pensionary benefits on their retirement. Even teachers of grant-in aid private schools are given the pensionary benefits on their retirement. It is very pertinent to point out that the CCS Pension 1972 was made applicable to the employees of Kendriya Vidyalaya Sangatan and CTSA with effect from 2-3-1988.
63. Navodaya Vidyalaya Samiti had employed Actuary Bhudev Chattarjee to work out the expenditure involved and financial viability of implementation of the CCS Pension Scheme, 1972. The report submitted by the Actuary concluded that if the employees share of contribution up to 31-3-2005 (Rs. 103.82 crores) is transferred to the pension fund by 31-3-2006 and an annual contribution @ 18% of salary is made on monthly basis w.e.f. 1-4-2006, it will be financially viable to adopt the 1972 scheme and clearly had the funds to pay CCS pension 1972 to its employees appointed before 1-1-2004.

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Again a second Actuary Committee was engaged to work out the financial implications of CCS Pension 1972 implemented. This Committee also made it clear that the funds can be borne by the NVS for 13 years after which the Government will meet the new pension liabilities each year. Analyzing the above statistical position it is crystal clear that NVS itself is in a position to bear the financial implications very easily for implementation of CCS pension 1972 to NV employees appointed before 1-1-2004.

64. It is not only important to recruit competent teachers but also to retain them in service. Since the Navodaya Vidyalaya are residential Schools the work-schedule of the employees is more demanding. Quite a large number of teachers and principals had resigned due to non-availability of the pension scheme.

65. The duties and responsibilities of staff of JNV, and in particular that of the teachers and principals may be classified as follows. They are to in variably take care of

1. Quality Education.
2. Safety and security of all the students under the residential setup.
3. Social commitment to make this institution as a pace-setting institution.
4. Fostering National Integration through migration of students from hindi speaking belt to Non-Hindi speaking belt and vice-versa.
5. To inculcate leadership quality and proactive approaches in engaging in social activities.

66. It would be worth recognizing that the teachers and principal serving in Navodaya Vidyalayas are on the threshold of minute by minute threat on account of the well being of the student community. It is beyond the guess of any one that the normal work of Teachers and Principals begins at 5:30 AM and lasts upto 11:00 PM in normal situation. In case of emergencies they will have to spend sleepless nights with outregard to family's and personal compulsions.

67. Sir, It is highly pitiable for a teacher who having worked with single minded devotion throughout his service round the clock, taking care of the safety and security of the students entrusted to him and providing insight to these young rural children, to leave the organizations Empty Handed at the time of superannuation at the fag end of their life. The denial of these benefits has created a great deal of discontentment and frustration among the employees and in particular among the teaching community. If a laudable scheme like establishing JNVs indented for benefiting the talented rural children is to actualize, with its objectives, it is very essential that the teaching community is adequately motivated. It is also equally important that in terms of service conditions they are not discriminated against their counter parts in similar organizations.

68. It is of great significance that even as recently as 2014 the court of justice sternly emphasized the need to provide pension to the retired employees to take care of their fag-end life. Upholding a Central Administrative Tribunal order, a Division Bench the Madras High Court on 23rd March 2014 in a case of Ministry of Atomic Energy, and Indira Gandhi Centre for Atomic Research (IGCAR), Kalpakkam vs 16 petitioner employees who had been appointed as casual labourers and subsequently conferred temporary status from December 31, 1999s aid that the right of government servants to receive pension is not a bounty and it is a statutory right conferred under the pension rules applicable from the date when the government servant was appointed, either on daily wage, temporary or permanent basis. Rejecting the IGCAR argument that persons who joined in service on or after January 1, 2004 were governed by the new pension scheme the Hon'ble HC ordered IGCAR to grant them old pension.

69. Similar verdicts were issued by various courts in several identical cases reaffirming that it is the responsibility of the State to take care of the retirees after rendering a long period service for cause of the nation. The right to receive pension was treated as property under Articles 31(1) and 19(1)(f) of the Constitution. To cite a few cases-State Of Jharkhand & Ors vs Jitendra Kumar Srivastava & Anr on 14 August, 2013 State Of Uttar Pradesh vs Brahma Datt Sharma And Anr on 25 February, 1987, State Of Punjab vs K.R. Erry & Sobhag Rai Mehta (With... on 21 September, 1973, All India Retired Bank Employees... vs Union Of India & Ors on 30 March, 2012, Deokinandan Prasad Vs. State of Bihar & Ors. (1971) Supl. SCR 634, Grid Corporation of Orissa & Ors. Vs. Rasanand Das (2003) 10 SCC 297, Bharat Petroleum (Erstwhile Burmah Shell) Management Staff Pensioners. Vs. Bharat Petroleum Corporation Ltd. & Ors. Ms. Manju Tomar

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And Ors.vs Nct And Ors.on 9 December,2009,D.S.Nakarav.Union of India,State of Punjab v.IqbalSingh [1976(3)SCR360].

It is a matter of immense national pride that the students of JNVs hailing from remote, back of behind rural India and members of poor families struggling miserably to eke out a life have now become high flying officers of IAS cadres and several government organizations, Indian Military Service ,Indian Air Force, Indian Navy, Doctors of Medical Institutions, teachers, Professors of IITs and IIMs, scientists, designers, entrepreneurs ,SC advocates and Members of Indian Parliament. These achievements can only be credited to the hard efforts of teachers of JNVs without whom these children could have been left high and dry. Hence It is our earnest application that according CCS (Pension)1972 to the teachers of JNVs would not be an extravaganza or a hefty financial liability when compared to their invaluable and selfless contributions to the nation.

A large number of Officers, Principals, teachers and administrative staff have retired from NVS till now without pensionary benefits. We are poignantly aware Of their pathetic condition without financial sources to meet their medical expenses.

Submission:

In the light all the above facts Under the above circumstances, it is our earnest appeal to consider the introduction of GPF-cum Defined pension scheme(CCS)(Pension)1972 to the all the employees of Navodaya Vidyalaya Samiti.

Yours sincerely



(RAHUL SINGH)
National General Secretary, NVEWA



(YOGENDRA SHARMA)
National President, NVEWA

ALL NAVODAYA VIDYALAYA SAMITI STAFF ASSOCIATION (ANVSSA)
CENTRAL EXECUTIVE COMMITTEE



(Regd. No: 639 of 2017)

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9494285645/
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A.K.JHA

F.NO CEC/ANVSSA/2020/ December/ 10

19th December 2020

To
The Hon'ble Member of Parliament
Lok Sabha / Rajya-Sabha
Basti Parliament Constituency.

**Sub: Request to recommend CCS Pension Case of NVS employees
to The Chairman, Committee on Petitions-req-reg.**

Respected sir,

Warm Greetings from ANVSSA. We would like to bring to your kind Notice that several institutions have been sanctioned with CCS pension recently for those who have joined before 01.01.2004, whereas Pension File of NVS employees has been kept pending assigning the reason that NVS is not eligible as cut of date is 01.01.1986 and that it is Non Income Generating institution.

Whereas Cabinet Approval was accorded on 05.08.1985 and necessary fund was released on 28.10.1985 to run the model schools to NCERT which are now a part of NVS (JNV Amaravathi in Maharashtra and JNV Jajjar in Haryana) and first recruitment was also done in the same year. It was duly registered on 28.02,1986 as NVS. So, organisation and its employees were very much existing prior to 1-1-1986. All autonomous bodies under the Ministry of Education which came into existence after the cut-off date 01.01.1986 have been sanctioned with CCS/Annuity pension except NVS employees.

So, we appeal to your kind office to recommend our genuine case to the Committee on petitions to write a letter to Ministry of Education to condone the cut-off date which is very negligible period of a few days which snatches away social security to the NVS (JNV) employees.

It was the policy of the Government to provide free and quality education to the rural talented children of deprived classes. Hence there is no scope to collect any sort of fees or donations from the parents. It is not at all the fault of employees. So we request your good self to recommend the case to Department of Expenditure, Ministry of Finance to overlook the negligible technical glitch of cut-off date and issue of Non income generating institution and save thousands of employees who have given their blood and sweat for the rural deprived classes and have been serving sincerely in the remote corners of the country. The condition of the families of expired staff during their service is deplorable without any survival support as there is no pension.

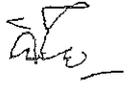
Your strong words of recommendation would save employees of NVS from serious sufferings of financial issues after their retirement.

With respectful regards, we remain.

Thank you Sir
Yours Sincerely


(K.MANJULA)
PRESIDENT

1 k


TAFSEER ANWER
GEN. SECRETARY

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ALL INDIA JAWAHAR NAVODAYA VIDYALAYA PRINCIPALS' FORUM

Reg.No.109/Goa/2006

Principal Qtrs, JNV, Banaglore Urban – 562149 Mob: 9405334499 / 8208890274

Date:14-09-2020

Dr Verendra Kumar Ji
Hon'ble Member of Parliament (Lokasabha)
Tikamgarh Lokasabha Constituency
22nd Mahadev Road
New Delhi -110001.

Respected Sir,

Subject: A humble request to recommend Pension case of Jawahar Navodaya Vidyalaya employees' to the government reg.

Navodaya Vidyalayas have come into existence in 1986 on the recommendations of New education policy to cater to the educational needs to rural talented children and these schools have served the deprived classes and brought a sea change in the lives of rural talented children who have excelled today in all walks of life and created a unique niche for themselves. Unfortunately Employees of Jawahar Navodaya Vidyalayas who have joined between 1986 to 01.01.2004 have not been brought under Old Pension scheme, whereas other departments like Kendriya Vidyalayas, Tibetan Schools, NIOS, CBSE, IITs Sainik Schools and other higher Education Institutions Which are under MHRD employees who have joined before 2004 are extended with old pension. Ill-fated Navodaya employees are kept out of old Pension scheme due to reasons mentioned in the letter.

So, sir we would humbly would like to appeal before the committee headed by your good self to look into our genuine long pending demand for the Old Pension and do the needful.

We the poor employees who have joined between 1986 and 2004 are around 12 thousand out of which more than 2 thousand employees have retired and many are expired unfortunately due to financial crisis and health issues. Now only 10 thousand employees are available.

In fact, we were deceived by earlier government and our Higher Officials who came on deputation who took a decision to offer CPF without consulting any of its employees at any level.

It is our earnest request to your good self that be kind enough to present our just and genuine grievance to the committee yourself only. In the meeting kindly take up this issue so that more than 10 thousand employees and their families are saved from the cauldron of financial crisis after the retirement. We are presenting our genuine grievance before you on the advice of some of the responsible leaders in the government.

We will be highly obliged and indebted to you for entire life if you could kindly recommend our case and your recommendations could be kept as covering letter along with our representation to the parliamentary committee, it may be viewed sympathetically and your recommendations may mean a lot to save the lives of many dedicated teachers who brought the light into the lives of thousands of children.

Thanking you Sir,

Yours Sincerely,

(S Kannan)

On B/O AIJNV Principals' Forum

Principal

ज. न. वि. बंगलूर (न) जिला
JNV, Bangalore (U) District

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6/9/20
ATS
Principal
20/9/2020
etc.

ALL INDIA JAWAHAR NAVODAYA VIDYALAYA PRINCIPALS' FORUM

Reg.No.109/Goa/2006

Principal Qtrs, JNV, Banaglore Urban - 562149 Mob: 9405334499 / 8208890274

10.09.2020

To

Dr. Virendra Kumar,
Hon'ble Chairperson, Committee on Petitions Lok Sabha,
Room No117, Block 'B' Parliament House Annexe (Extension)
New Delhi-110001

Sub : Request to Redress Long Pending Grievance of Providing CCS Pension 1972 to Jawahar Navodaya Vidyalaya Employees who Joined Service Before 01.01.2004.

Madam / Sir,

We have approached this Committee on Petitions set up to research and resolve public grievances, after representing our issue to the M.H.R.D, and to the Finance Ministry a number of times, over the past 10 years.

The grievance is **DENIAL OF CCS PENSION 1972** to those employees who joined service before 01.01.2004 in Jawahar Navodaya Vidyalayas across the country, under the Ministry of H.R.D.

Following are some facts revolving round our genuine grievance which we request your office to bring under the purview of your noble research, and if found genuine, to recommend to the concerned authority to redress it and ensure social security to these employees who are serving the nation in a unique way.

- 1) As per Govt. of India Office memorandum dated 01.05.1987 (**Annexure-I**), employees as on roll against the sanctioned posts as on 1.1.1986 are covered by CCS(Pension) Rules 1972 unless they themselves opted otherwise.
- 2) As per GOI letter dated 28.10.1985, two Model Schools were sanctioned by MHRD which were later renamed as Jawahar Navodaya Vidyalayas. Requisite funds had also been sanctioned to run the said Vidyalayas (**Annexure-II-A & II-B**).
- 3) Posts required to run these Vidyalayas have also been sanctioned vide letter dated 28.10.1985 (**Annexure-III**).
- 4) As per the information obtained under RTI Act 2005, no option was sought from the employees of J.N.V.s before implementing CPF scheme instead of GPF-cum-Pension Scheme (**Annexure-IV-A**).
- 5) The Officers who initially came to NVS on deputation and have qualified for CCS Pension from their parent department, were not interested in introducing GOI pension to the department. They arbitrarily and unthinkingly decided to implement CPF in the organization to cater to their vested interests, keeping the regular employees in dark. (**Annexure IV-B**).

- 6) Moreover, the offer of appointment dated 09.01.86 offered to the Upper Division Clerk, states clearly that the employees are eligible for Pension-cum-gratuity or CPF as per the option exercised by the individual. If no option is submitted within 06 months of joining the service, it will be presumed that the employee has opted for GPF/Pension **(Annexure-IVC)**
- 7) In the year 2006, Hon'ble Commissioner NVS wrote to Secretary of VI Pay Commission with all supporting documents demanding GOI Pension to Jawahar Navodaya Vidyalaya Employees who joined service prior to 01.01.2004. **(Annexure-V)**
- 8) The 154th and 184th Parliamentary Standing Committees have categorically highlighted the discrimination towards the employees of NVS when compared to the sister concern like KVS, and strongly recommended grant of CCS Pension scheme to NVS employees **(Annexure-VI)**
- 9) The Review Committee constituted for review of management structure and operating mechanism of NVS headed by Shri Y.N Chaturvedi, ex-Secretary to the Govt of India, strongly recommended to provide pension to Navodaya Vidyalayas and wondered why the attitude of Govt is not positive towards the dedicated and devoted employees of NVS **(Annexure-VII)**
- 10) In the year 2006, Govt. prepared a Cabinet Note to extend GOI pension to Navodaya Employees. Unfortunately, it could not get materialized for reasons not known **(Annexure-VIII)**.
- 11) In 2010, the then Commissioner, NVS wrote letter dated 12.05.2010 to Joint Secretary MHRD requesting to provide Rs.1300 Crore in order to implement CCS Pension to NVS employees on the basis of actuary report submitted by Shri P.C Gupta, in which the third option envisages no liability for the Govt for the next thirteen years for providing GOI pension to Navodaya employees. **(Annexure-IX)**
- 12) In 2013, Govt. prepared another cabinet note to provide GOI pension to Navodaya employees. **(Annexure-X)**
- 13) In 2014, the LIC proposed to provide pension at par with GOI pension, with 7.5% increasing DA per annum for which they asked only 1777 Crore. **(Annexure-XI)**
- 14) A proposal was forwarded by NVS to its employees seeking consent for an alternate pension scheme. The consent for the same was sought from the employees by 31.12.2018. **(Annexure-XII-A & XII-B)**.
- 15) Calculation by the LIC for annuity based pension for NVS **(Annexure-XIII)**.
- 16) The plight of a retired N.V.S Officer who is not having post retirement medical benefits can be well read from the letter dated 28.06.2012 written by D.C(Admn) of NVS. Had there been GOI pension, the retired Officers / employees would lead a reasonably healthy life with reasonable social security benefit. **(Annexure-XIV)**

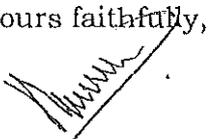
On the facts and circumstances listed above, it may please be researched

- Why Jawahar Navodaya Vidyalaya Employees who joined service before 1.1.2004 are discriminated and denied GPF-cum-Pension Scheme?
- Why recommendations by various committees appointed by the Government itself have not been considered and implemented so far?
- Who are responsible for this pathetic struggle of these employees and why they go unidentified and unpunished?
- What way this genuine grievance can be settled and the employees could be reassured by granting the genuinely rightful CCS Pension to them.

Expecting a detailed study of the issue and redressing the grievance on its merit we remain.

Thanking you in anticipation,

Yours faithfully,



(S.Kannan)

On b/o NVS Principals' Forum

Enclosures: Annexure I to XIV.

No.4/1/87-PIC-1
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Pension and Pensioners' Welfare

New Delhi, the 1st May, 1987.

OFFICE MEMORANDUM

Subject:-Change over of the Central Government employees from the Contributory Provident Fund Scheme to Pension Scheme - Implementation of the recommendations of the Fourth Central Pay Commission.

The undersigned is directed to state that the Central Government employees who are governed by the Contributory Provident Fund Scheme (CPF Scheme) have been given repeated options in the past to come over to the Pension Scheme. The last such option was given in the Department of Personnel and Training O.M. No. F3(1)-Pension unit/85 dated the 6th June, 1985. However, some Central Government employees still continue under the CPF Scheme. The Fourth Central Pay Commission has now recommended that all CPF beneficiaries in service on January 1, 1986, should be deemed to have come over to the Pension Scheme on that date unless they specifically opt out to continue under the CPF Scheme.

2. After careful consideration the President is pleased to decide that the said recommendation shall be accepted and implemented in the manner hereinafter indicated.

3. All CPF beneficiaries, who were in service on 1.1.1986 and who are still in service on the date of issue of these orders will be deemed to have come over to the Pension Scheme.

3.2. The employees of the category mentioned above will, however, have an option to continue under the CPF Scheme, if they so desire. The option will have to be exercised and conveyed to the concerned Head of Office by 30.09.1987 in the form enclosed if the employees wish to continue under the CPF Scheme. If no option is received by the Head of Office by the above date the employees will be deemed to have come over to the Pension Scheme.

3.3. The CPF beneficiaries, who were in service on 1.1.1986, but have since retired and in whose case retirement benefits have also been paid under the CPF Scheme, will have an option to have their retirement benefits calculated under the Pension Scheme provided they refund to the Government, the Government contribution to the Contributory Provident Fund and the interest thereon, drawn by them at the time of settlement of the CPF Account. Such option shall be exercised latest by 30.09.1987.

3.4. In the case of CPF beneficiaries, who were in service on 1.1.1986 but have since retired, and in whose case the CPF Account has not already been paid, will be allowed retirement benefits as if they were borne on pensionable establishments unless they specifically opt by 30.09.1987 to have their retirement benefits settled under the CPF Scheme.

3.5 In the case of CPF beneficiaries, who were in service on 1.1.1986, but have since died, either before retirement or after retirement, the case will be settled in accordance with para 3.3 or 3.4 above as the case may be. Options in such cases will be exercised latest by 30.09.1987 by the widow/widower and in the absence of widow/widower by the eldest surviving member of the family who would have otherwise been eligible to family pension under the Family Pension Scheme if such scheme were applicable.

3.6 The option once exercised shall be final.

3.7 In the types of cases covered by paragraph 3.3 and 3.5 involving refund of Government's contribution to the contributory provident fund together with interest drawn at the time of retirement, the amount will have to be refunded latest by the 30th September, 1987. If the amount is not refunded by the said date, simple interest thereon will be payable at 10% per annum for period of delay beyond 30.9.1987.

4.1 In the case of employees who are deemed to come over or who opt to come over to the Pension Scheme in terms of paragraphs 3.3, 3.4 and 3.5, the retirement and death benefits will be regulated in the same manner as in case of temporary/quasi-permanent or permanent Government servants, as the case may be, borne on pensionable establishment.

4.2 In the case of employees referred to above, who come over or are deemed to come over to the Pension Scheme, the Government's contribution to the CPF together with the interest thereon credited to the CPF Account of the employee will be resumed by the Government. The employees contribution together with the interest thereon at his credit in the CPF Account will be transferred to the GPF Account to be allotted to him on his coming over to the Pension Scheme.

4.3 Action to discontinue subscriptions/contributions to CPF Account may be taken only after the last date specified for exercise of option, viz., 30.09.1987.

5. A proposal to grant ex-gratia payment to the CPF beneficiaries, who retired prior to 1.1.1986 and to the families of CPF beneficiaries who died prior to 1.1.1986, on the basis of the recommendations of the Fourth Central Pay Commission is separately under consideration of the Government. The said ex-gratia payment, if and when sanctioned, will not be admissible to the employees or their families who opt to continue under the CPF Scheme from 1.1.1986 onward.

6.1 These orders apply to all Civilian Central Government employees who are subscribing to the Contributory Provident Fund under the Contributory Provident Fund Rules (India), 1962. In the case of other contributory provident funds, such as Special Railway Provident Fund or Indian Ordnance Factory Workers Provident Fund or Indian Naval Dockyard Workers Provident Fund, etc., the necessary orders will be issued by the respective administrative authorities.

6.2 These orders do not apply to Central Government employees who, on re-employment, are allowed to subscribe to Contributory Provident Fund. These orders

also do not apply to Central Government employees appointed on contract basis where the contribution to the Contributory Provident Fund is regulated in accordance with the terms of contract.

6.3 These orders do not also apply to scientific and technical personnel of the Department of Atomic Energy, Department of Space, Department of Electronics and other Scientific Departments as have adopted the system prevailing in the Department of Atomic Energy. Separate orders will be issued in their respect in due course.

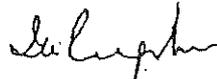
7.1 Ministry of Agriculture etc., are requested to bring these orders to the notice of all CPF beneficiaries under them, including those who have retired since 1.1.1986 and to the families covered by paragraph 3.5 of these orders.

7.2 Administrative Ministries administering any of the Contributory Provident Fund Rules, other than Contributory Provident Fund Rules (India), 1962, are also advised to issue similar orders in respect of CPF beneficiaries covered by those rules in consultation with the Department of Pension and Pensioners' Welfare.

8. These orders issue with the concurrence of the Ministry of Finance Department of Expenditure vide their U.O. No.2038/JS (Pers)/87 dated 13.4.1987.

9. In their application to the persons belonging to Indian Audit and Accounts Department, these orders issue after consultation with the Comptroller and Auditor General of India.

10. Hindi version of these orders follows.


(I.K. Rasgotra)

Additional Secretary to the Government of India

To

All Ministries/Departments of the Government of India.

Copy to :-

1. President's Secretariat
2. Vice President's Secretariat
3. Prime Minister's Office
4. Lok Sabha Secretariat
5. Rajya Sabha Secretariat
6. Cabinet Secretariat
7. Secretary, U.P.S.C., New Delhi
8. Supreme Court of India
9. Election Commission
10. Planning Commission
11. Comptroller and Auditor General of India
12. Accountants General of all States
13. Director of Audit, Central, Madhu Industrial Estate, P.B.Marg, Bombay
14. Director of Audit (Central), Calcutta
15. Director of Audit, Central Revenue, New Delhi

CONFIDENTIAL

PRIME MINISTER'S OFFICE

Attention is invited to the letter No.F 27-1/85-Sch.I dated January 16, 1986, addressed to Prime Minister by Minister, HRD, setting out the main features of the modified scheme of Model Schools. PM has approved the proposals. He has also agreed that the Model Schools may be named "Navodaya Vidyalayas". Ministry of Human Resource Development may kindly take further action in this regard.

Sd/-

(Sarla Grewal)
Secretary to P.M.
25-4-1986

No. PM.39/HRD/86
25.4.86

Minister, HRD (Shri P.V. Narasimha Rao)
P.M.O. U.O. No. 40(1426)/86-PM's dt. 25.4.86

AS

It may be go ahead a paper in a field of self- contained note on Navodaya Vidyalayas, to be circulated to members of CABF and NDC, so as to be useful in the discussion. This may be done urgently.

P.V. Narasimha Rao
27/4

NS

ES and I discussed this with HRD today. HRD would first take a glance through the scheme of NV which we had sent to PHD and which has now been approved by PM.

It is generally being done to HRD. It is not possible to forward it to HRD.

-53-

No. F.27-16/E5-Sch.1

Government of India

Ministry of Human Resource Development
(Department of Education)Annexure **IV**

Shastri Bhawan, New Delhi-1.

October 20, 1985.

To
The Accounts Officer,
Pay & Accounts Office (Education),
New Delhi.Sub-Grant-in-aid to the National Council of Educational Research
and Training during 1985-86 (Plan) for starting two Model Schools
at Amravati and Jhajjar.

Sir,

I am directed to state that the Government of India has approved the setting up of one Model School in each District of the country during the Seventh Plan period. It has been decided to open two Model Schools in 1985-86 itself, one at Amravati (Maharashtra) and the other at Jhajjar (Haryana). Since the Autonomous Body to manage and run the Model Schools is yet to come into existence, the NCERT has been given the responsibility of starting and running the two schools this year. As soon as the Autonomous Body for the Model Schools is set up all work relating to Model Schools will be transferred to it. The funds released to NCERT will also be transferred to that Body.

2. I am directed to convey the sanction of the President of India to the payment of first instalment of grant of Rs. 22,50 Lakhs (Rupees twenty two lakhs and fifty thousand only) to the NCERT, New Delhi for starting and running the two model schools in 1985-86. The items of expenditure are given in the annexure (enclosed).

3. The expenditure involved would be met out of Demand No. 25-
Education, Major Head 277-B, Education B-1 Secondary Education,
B1(1)(B) - Setting up of Model Schools (Plan) 1985-86.

4. This sanction is being issued in conformity with the rules and regulations and the pattern of assistance approved by the Ministry of Finance.

5. The accounts of this grant-in-aid shall be subject to audit by the Comptroller and Auditor General of India or his nominee in this behalf.

NAVODAYA VIDYALAYA SAMITI
(MINISTRY OF HUMAN RESOURCE DEVELOPMENT)
(DEPARTMENT OF EDUCATION)
A-39, KAJALASH COLONY, NEW DELHI-110048.

No. P. 1-40/87-NVS(E&A)/CPF

Dated: 17-12-91

CIRCULAR

sub: Notification regarding the scheme of
Contributory Provident Fund for the
employees of Navodaya Vidyalaya Samiti
April 1988.

Copy of Ministry of Finance (Dept. of Expenditure
notification No. (E.A.) P.W. 90(1) dated 11.11.91 together
with Rules of Navodaya Vidyalaya Samiti Contributory
Provident Fund - 1988 is forwarded for information
and necessary action.

The contents of the notification and the CPF
rules may be brought to the notice of all the employees
working in the Navodaya Vidyalayas.

(B. P. SHARMA)
LFA/CAO

Copy to:

1. All the Deputy Directors of N.Os.
2. All Principals of NVS.
3. DACR, New Delhi.
4. All the officers of the Samiti, HQR.
5. All the wings of the HQR office.
6. Section Office U.T.-2, Dept. of Education,
Ministry of HRD. This has a reference to D.O. letter
No. F. 72-75/00 School 7 (U.T) dated 19.11.91.
7. Guard File in Admn. Wing & F&A Wing.
8. Sr. PA to Director.

(K. S. SWAMY)
ASSTT. DIRECTOR (FINANCE)

70

TO BE PUBLISHED IN THE GAZETTE OF INDIA
PART II SECTION (3), SUB SECTION (1)

No.4(1)-S.V./90(I)
Government of India
Ministry of Finance
Department of Expenditure
CLASS

New Delhi, the 11th Nov., 1991.

NOTIFICATION

S.O. In exercise of the powers conferred by sub-section(3) of section 8 of the Provident Funds Act, 1925 (19 of 1925), the Central Government hereby adds to the Schedule to the said Act the name of the following public institutions, namely:-

Navodaya Vidyalaya Samiti; and
Energy Management Centre, Nagpur.

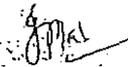
9d

(J.P. PATI)
DIRECTOR (E.G.)

The Manager,
Government of India Press,
Ring Road, New Delhi.

Copy forwarded to:

- i) Ministry of Human Resource Development (Deptt. of Education)
- ii) Deptt. of Pension & Pensioners' Welfare, Ministry of Personnel, Public Grievances and Pension with the request that the name of the above Organisation may be included in the list of organisations shown in the schedule to the Provident Funds Act.
- iii) Department of Power
- iv) Ministry of Law, Legislative Department.


(J.P. PATI)
DIRECTOR (E.G.)

NAVODAYA VIDYALAYA SAMITI - CONTRIBUTORY PROVIDENT

FUNDS RULES.

In exercise of the powers conferred by rules 24 (3) of the rules of the Navodaya Vidyalaya Samiti, the Executive Committee, NVS, hereby make the following rules:-

1. Short Titles:-

(1) These rules may be called the Navodaya Vidyalaya Samiti Contributory Provident Fund Rules, 1988.

(2) These Rules shall be deemed to have come into force the 1st of April, 1988.

2. Definitions:- In these rules, unless the context otherwise requires -

(i) 'Samiti' means Navodaya Vidyalaya Samiti.

(ii) 'Accounts Officer' means the officer to whom the duty to maintain the Provident Fund account of the subscriber has been assigned by the Samiti.

(iii) 'Employee' means regular employee of the Samiti.

(iv) 'Competent authority' means the authority prescribed under the rules.

(v) 'Fund' means the Navodaya Vidyalaya Samiti Contributory Provident Fund.

Any other expression/definition employed in these rules which is defined in the Contributory Provident Fund Rules (India) 1962, is used in the sense defined therein.

3. The Samiti will follow Mutatis Mutandis, Central Govt. CPF Rules (India) 1962, as amended from time to time unless prescribed otherwise in these rules.

4. Constitution of the Fund:-

(i) The Fund shall be maintained in rupees in a Nationalised Bank.

(ii) All sums paid into the Fund under these rules shall be credited in the books of Samiti to an account named Navodaya Vidyalaya Samiti Contributory Provident Fund Account.

(iii) The Fund shall be governed by the following officers of the Samiti and jointly operated by any two of the officers.

Contd..2/-.

1. Director, Navodaya Vidyalaya Samiti.
2. Internal Financial Adviser and Chief Accounts Officers.
3. Deputy Director (Finance).
4. Joint Director (Admn.).
6. Deputy Director (Admn.)

5. Investments:-

(i) All moneys from time to time credited to the fund and not immediately required for making any payment in pursuance hereto, shall be invested in such a manner as approved by the Govt. of India in the case of recognised Provident Funds in accordance with the procedure prescribed in G.O.I. Notification No.12(1)-P.D/86, dated 17.3.86 and amended from time to time.

(ii) All the investment shall be made in the name of Navodaya Vidyalaya Samiti Contributory Provident Fund Accounts. All purchase, sales or alterations of such investments shall be effected on the authority of the Director (NVS) and all contracts, transfer deeds or other documents for purchasing selling or altering the investments shall be executed by the IFA & CAO of the Samiti for safe custody.

6. Interest :-

(i) Samiti shall pay to the credit of a subscriber interest, at such rates as Govt. of India may from time to time prescribe for the payment of interest on subscription to the Contributory Provident Fund, on the amount to his credit in the Fund.

(ii) In case the revenue earned from investments made happens to fall short of the interest payable to subscribers, the Samiti shall augment the Fund to that extent necessary from the Grant-in-aid given by Govt. of India to Samiti for its functioning. On the other hand if the revenue earned is more than the interest liability it will form part of Revenue receipt of the Fund.

7. Conditions of Eligibility :-

(i) These Rules shall apply to all regular employees on the rolls of the Samiti on or after 1st April, 1988.

(ii) Subscription to the Fund shall be compulsory for all regular employees of the Samiti, as admitted to the Fund at the rates prescribed by the Govt. of India from time to time to be deducted monthly from the salary payable to each subscriber.

8. Contribution by Samiti:-

Samiti shall on the 31st March of each year make a contribution to the account of each subscriber as per Govt. of India instructions from time to time as provided in Contributory Provident Fund Rules (India) 1962. The rate of contribution present is 5.33% of emoluments as on 31st March of the year.

9. In regard to matters not specifically provided for in these rules, the provisions of the Contributory Provident Fund Rules (India) 1962 shall apply mutatis-mutandis to every employee of the Samiti who has been or may be admitted to the benefit of Navodaya Vidyalaya Samiti Contributory Provident Fund Rules. In such matters, the Samiti shall also follow the procedure prescribed by Govt. of India.

10. The appropriate competent authority for sanction of advances and withdrawals from the fund shall be as under:-

A. ADVANCES

1. Principal - all employees except the Principal of the Vidyalayas under his charge.
2. Regional Dy. Director - for Principals of Vidyalayas of the Region and all the employees (except Dy. Director) working in the Regional Office.
3. Dy. Director (Admin.) - for all employees of the H.Qs. Office upto and including Asstt. Directors.
4. Director (NVS) - for all officers of the rank of Dy. Director and above in Headquarters and all cases of advances and requiring relaxation under CPF Rules.

B. WITHDRAWALS

1. Internal Financial Adviser/Chief Accounts Officer - Final withdrawals/payments on superannuation, retirement, resignation or discharge.
2. Director (NVE) - In case of withdrawals with or without relaxation of CPF Rules in respect of all employees of Navodaya Vidyalaya Samiti.

11. Accounts/Audit:-

The Accounts of the Fund shall be maintained at the Hqs. of the Samiti. The Annual Receipts and Payments and Balance Sheet prepared therefrom shall form part of General Fund Annual Accounts of the Samiti and got Audited by the 'Auditors' of the Samiti.

12. AMENDMENT :-

Amendment to these rules can be done by the approval of the Executive Committee on the recommendation of the Finance Committee of the Samiti after consultation with Ministry of Finance, Department of Pension & Pensioners' Welfare.

13. INTERPRETATION :-

The power of interpretation/relaxation of these rules shall vest with the Director, Navodaya Vidyalaya Samiti, but any relaxation involving policy change would be done after consultation with the Ministry of Finance/Dept. of Pension & Pensioners' Welfare.

1931)-E.V./20(1)
Government of India
Ministry of Finance
Department of Expenditure

New Delhi, the 11th Nov. 1931.

NOTIFICATION

B.O. In exercise of the powers conferred by sub-section(3) of section 8 of the Provident Funds Act, 1925 (19 of 1925), the Central Government hereby adds to the Schedule to the said Act the name of the following public institutions, namely:-

Navodaya Vidyalaya Samiti; and
Energy Management Centre, Nagpur.

(J.P. PATI)
DIRECTOR(E.O.)

The Manager,
Government of India Press,
Ring Road, New Delhi.

Copy forwarded to:

- i) Ministry of Human Resource Development (Deptt. of Education)
- ii) Deptt. of Pension & Pensioners' Welfare, Ministry of Personnel, Public Grievances and Pension with the request that the name of the above Organization may be included in the list of organizations shown in the schedule to the Provident Funds Act.
- iii) Department of Power
- iv) Ministry of Law, Legislative Department.

(J.P. PATI)
DIRECTOR(E.O.)

NOTIFICATION

New Delhi, Dated, 20th December 1991

In exercise of the powers conferred by rules 24 (5) of the rules of the Navodaya Vidyalaya Samiti, the Executive Committee, NVS, hereby make the following rules:-

1.Short titles

1. These rules may be called the 'Navodaya Vidyalaya Samiti Contributory Provident Fund' Rules, 1988.
2. These Rules shall be deemed to have come into force the 1st of April, 1988.

2.Definitions

In these rules, unless the context otherwise requires -

- i. 'Samiti' means Navodaya Vidyalaya Samiti.
- ii. 'Accounts Officer' means the officer to whom the duty to maintain the Provident Fund account of the subscriber has been assigned by the Samiti.
- iii. 'Employee' means regular employee of the Samiti.
- iv. 'Competent authority' means the authority prescribed under these rules.
- v. 'Fund' means the Navodaya Vidyalaya Samiti Contributory Provident Fund.

Any other expression/definition employed in these rules which is defined in the Contributory Provident Fund Rules (India) 1962, is used in the sense defined therein.

3. The Samiti will follow Mutatis Mutandis Central Govt. CPF Rules (India) 1962, as amended from time to time unless prescribed otherwise in these rules.

4.Constitution of the Fund

- i. The Fund shall be maintained in rupees in a Nationalised Bank.
- ii. All sums paid into the Fund under these rules shall be credited in the books of Samiti to an account named 'Navodaya Vidyalaya Samiti Contributory Provident Fund Account.'
- iii. The Fund shall be governed by the following officers of the Samiti and jointly operated by any two of the officers.
 1. Commissioner, Navodaya Vidyalaya Samiti.
 2. Internal Financial Adviser and Chief Accounts Officer.
 3. Deputy Commissioner (Finance).
 4. Joint Commissioner (Admn.).
 5. Deputy Commissioner (Admn.).

5.Investments

- i. All moneys from time to time credited to the fund and not immediately requires for making any payment in pursuant hereto, shall be invested in such a manner as approved by the Govt. of India in the case of recognised Provident Funds in accordance with the procedure prescribed in G.O.I. Notification No.12 (1)-P.D/86, dated 17.3.86 and as amended from time to time.
- ii. All the investment shall be made in the name of Navodaya Vidyalaya Samiti Contributory Provident Fund Accounts. All purchase, sales or alterations of such investments shall be effected on the authority of the Commissioner (NVS) and all contracts, transfer deeds or other documents for purchasing selling or altering the investments shall be executed by the IFA & CAO of the Samiti for safe custody.

g) Interest

- i. Samiti shall pay to the credit of a subscriber interest, at such rates as Govt. of India may from time to time prescribe for the payment of interest on subscription to the Contributory Provident Fund, on the amount to be credit in the Fund.
- ii. In case the revenue earned from investments made happens to fall short of the interest payable to subscribers, the Samiti shall augment the Fund to that extent necessary from the Grant-in-aid given by Govt. of India to Samiti for its functioning. On the other hand if the revenue earned is more than the interest liability it will form part of Revenue receipt of the Fund.

7. Conditions Of Eligibility

- i. These Rules shall apply to all regular employees on the rolls of the Samiti on or after 1st April, 1988 but before the date of coming into force the New Pension Scheme (NPS) i.e. 1st April, 2009.
- ii. Subscription to the Fund shall be compulsory for all regular employees of the Samiti, as admitted to the Fund at the rates prescribed by the Govt. of India from time to time to be deducted monthly from the salary payable to each subscriber.

8. Contribution By Samiti

Samiti shall on the 31st March of each year make a contribution to the account of each subscriber as per Govt. of India instructions from time to time as provided in Contributory Provident Fund Rules (India) 1962.

The rate of Contribution present is 10% of emoluments as on 31st March of the year.

9. In regard to matters not specifically provided for in these rules, the provisions of the Contributory Provident Fund Rules (India) 1962 shall apply mutatis-matandis to every employee of the Samiti who has been or may be admitted to the benefit of Navodaya Vidyalaya Samiti Contributory Provident Fund Rules. In such matters, the Samiti shall also follow the procedure prescribed by Govt. of India.

10. The appropriate competent authority for sanction of Advances and withdrawals from the fund shall be as under:-

A. ADVANCE

Advance

- | | | |
|---|---------------------------|--|
| 1 | Principal | all employees except the Principal of the Vidyalaya under his charge. |
| 2 | Regional Dy. Commissioner | for Principals of Vidyalaya of the Region and all the employees (except Dy. Commissioner) working in the Regional Office. |
| 3 | Dy. Commissioner (Admn.) | for all employees of the H.Qs. Office upto and including Asstt. Copmmissioners |
| 4 | Commissioner (NVS) | for all officers of the rank of Dy. Commissioner and above in Headquarters and all cased of advances and requiring relaxation under CPF Rules. |

B. WITHDRAWALS

Withdrawals

- | | | |
|---|--|---|
| 1 | Internal Financial Adviser/ Chief Accounts Officer | Final withdrawals/payments on superannuation, retirement, resignation or discharge. |
|---|--|---|

11. Accounts/Audit

The Accounts of the fund shall be maintained at the Hqrs. of the Samiti. The Annual Receipts and Payments and Balance Sheet prepared therefrom shall form part of General Fund Annual Accounts of the Samiti and got Audited by the 'Auditors' of the Samiti.

12. Amendment

Amendment to these rules can be done by the approval of the Executive Committee on the recommendation of the Finance Committee of the Samiti after consultation with Ministry of Finance, Department of Pension & Pensioners Welfare.

13. Interpretation

The power of interpretation/relaxation of these rules shall vest with the Commissioner, Navodaya Vidyalaya Samiti, but any relaxation involving policy change would be done after consultation with the Ministry of Finance/Deptt. Of Pension & Pensioners Welfare.

List of Autonomous Bodies where pension scheme has been allowed by the light of Court Judgments

1. Delhi Urban Arts Commission, Ministry of Housing & Urban Affairs - SC judgment dated 04.01.2018
2. Indian Institute of Mass Communication, M/o Information and Broadcasting - CAT has allowed it in their Judgment dated 01.01.2014, however the matter is sub-judice in Delhi High Court.
3. Central Pollution Control Board, M/o Environment, Forests and Climate Change - CAT allowed the OA vide judgment dated 24.02.2014 and an appeal has been filed in Delhi High Court.
4. Delhi University, Ministry of Education -In terms of Delhi High Court judgment dated 24.08.2016, this Department with the approval of FM decided to extend benefit of pensionary benefits to all those who were in service on 01.01.1986 and did not exercise their option in writing to be with CPF.
5. Bureau of Indian Standards - In terms of Supreme Court Order dated 28.11.2006, wherein those employees who did not exercise any option by the cut-off date (30.09.1987) given by BIS.
6. Cost Cultivation Scheme under Sardar Patel University - High Court of Gujarat Order Dated 17.01.2014 and dismissal of SLP in SC on 20.04.2018
7. Cost Cultivation Scheme under RBC College Agra- High Court of Allahabad Order Dated 17.10.2019
8. Cost Cultivation Scheme under University of Kerala - In line with the decision of the Kerala High Court Order dated 08.06.2018.

16th March, 2000.

Dear Shri

The Department of Expenditure has been receiving a number of proposals regarding introduction of pension scheme on GOI pattern for the employees of autonomous bodies under various Ministries/Departments of the Government of India. Such proposals have not been approved mainly for the reasons given below :-

- (i) The cost of introduction of pension scheme is much higher than the CPF Scheme. The cost on pension scheme keeps on increasing with every increase/revision in the scales of pay/pensionary benefits recommended by the successive Pay Commissions set up by the Government.
- (ii) While the CPF is a one-time payment, pension is a life-long commitment on the part of the Government.
- (iii) For servicing a pension scheme, a Pension Fund has to be set up to be managed by a Trust. Difficulties may be experienced in judicious administration of the Fund.
- (iv) In case of winding up of the organisation, the Government may have to take over the entire liability of the Pension Fund.
- (v) Any cut-off date fixed by the Government is not likely to be accepted by the employees who retired prior to the cut-off date.

2. Apart from the above, the recurring financial implications of introduction of pension scheme in autonomous bodies are likely to be very substantial, particularly after acceptance of the recommendations of the Fifth Central Pay Commission, involving a significant liberalisation of the provisions relating to pension, gratuity, commutation of pension, family pension, etc.

3. We have, however, come across a number of cases where pension scheme on GOI pattern has been allowed for the employees of autonomous bodies either with the approval of the Internal Finance Division or with the approval of the Financial Adviser of the Ministry/Department concerned without obtaining this Department's concurrence. In one such case, the Department concerned is now faced with a situation where the Pension Fund set up for the employees of an autonomous body has become unviable; there being no possibility of disbursing pension to the pensioners without seeking Government's support in the form of grants-in-aid.

In view of the above, we have been advising autonomous bodies under various Ministries/Departments of the Government of India to continue to follow the CPF Scheme or the autonomous bodies, if they so desire, may work out an annuity scheme through the Life Insurance Corporation of India based on voluntary contributions by the employees and without any contribution from the Government or the employees may join the pension scheme introduced by the Ministry of Labour for the PF subscribers. It may please be noted that introduction of pension scheme on GOI pattern to the employees of autonomous bodies should not be agreed to as a rule; any exception in this regard should be referred to this Department.

With regards,

Yours sincerely,


(USHA MATHUR)

M/C

All FAs as per list enclosed.

Cases where DoI agreed for pension scheme in ABs after 2000

S. No.	Year of decision on Scheme	Institution	Reason for extension of Pension Scheme
1.	May, 2004	7 Autonomous Bodies under AYUSH	These seven bodies had already adopted pension scheme during 1982 to 1987 without the approval of MOF. As such, it was regularized in 2004.
2.	May, 2004	Rehabilitation Council of India	The Act of 1993 already provided for Pension in case of employees. Thus, employees appointed after 1993 and before 2004 were also given pension to avoid discrimination within the same organization.
3.	October, 2005	Punjab University*	Pension Scheme had already been approved way back in 1993. However, only 5% of employees opted for pension. This scheme was in operation and had not withdrawn and, therefore, it was decided in 2005 to agree to pension scheme in this case
4.	May, 2006	Inter University Centre for Astronomy and Astrophysics (IUCAA)	The pension scheme had been introduced in 1991 only, though without the approval of the Finance Ministry. Moreover, it's a UGC-funded University and, hence, UGC scheme of GPF-cum-Pension would be applicable.
5.	February, 2009	National Institute of Biological	The MOA of the NIB, which were framed after it came into existence in 1991, specifically provided for Pension as per Central pattern. The employees appointed then were given the term & condition of pension also. Thus, it was decided to extend pension scheme in 2009.
6.	January, 2013	NIT (Jalandhar, Silchar & Kurukchhetra)	NITs were earlier Regional Engineering colleges (RECs). RECs were under the Administrative control of the State Governments and followed their service rules. RECs were taken over by Central Govt. in 2003. Out of 20 RECs, 17 already had pension scheme as per the State Govt. system. Three RECs, namely Silchar, Kurukchhetra and Jalandhar did not have pension while under States. However, in the first Statute notified under the NIT Act, 2007, Pension scheme was made applicable. This being so, the pension scheme in remaining three had also to be implemented because as per an order of Punjab & Haryana High Court, uniformity had to be ensured.

Ministry of Finance
Department of Expenditure
EV Branch

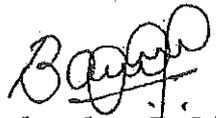
70

Subject: Annuity based pension scheme for Pre-2004 employees of Navodaya Vidyalaya Samiti (NVS).

MHRD may please refer to their notes on preceding pages, recorded on their F. No.17-32/2018-UT-3 on page 19-25/N regarding annuity scheme in case of NVS employees where they have referred the matter to this Ministry for consideration and decision to bear some of the liabilities by Govt. of India, arising out of the proposed annuity based scheme.

2. In this regard, in keeping with the decision already communicated vide OM dated 18.10.2013, it is intimated that it would not be possible to support any such proposal for annuity scheme with part funding from the Government by way of Grants-in-Aid. Therefore, pension fund may be set up in such a way that there is no Government support.

3. This has the approval of Competent Authority.


(Balachandran B. S.)
Under Secretary
02309 5619

M/o Human Resource Development, [Kind Attn: Shri P. K. Shrivastava, AFA]
Shastri Bhawan, Dr. Rajendra Prasad Road, New Delhi 110001

M/o Finance, D/o Expenditure's I.D. Note No.16(10)EV/2003-Vol.V, dated
08.08.2019

F. No.16(10)/EV/2003-Vol.V
Government of India
Ministry of Finance
Department of Expenditure

North Block, New Delhi
Dated the 17th July, 2020

OFFICE MEMORANDUM

Sub: Annuity Based Pension Scheme through LIC in case of employees of Navodaya Vidyalay Samiti (NVS) - VIP reference of Hon'ble HRD Minister.

The undersigned is directed to refer to DO letter No.17-32/2018-UT-3, dated 20.02.2020 received from Hon'ble HRD Minister addressed to Hon'ble FM on the subject mentioned above whereby the Minister of HRD has proposed to seek "in principle" concurrence of this Ministry for drawing up an annuity based pension scheme through LIC as per option 'C' of the background note attached therewith.

2. In order to enable this Department to consider the matter further, MHRD is requested to provide clarification on undernoted observations of this Department: -

- (i) It has been mentioned that the initial payment of Rs.942.166 crores would met from the NVS share (management share) in respect of employees who joined prior to 01.01.2004. It is understood that this amount refers to the share of NVS in the CPF. If so, it may be clarified as to whether it includes the NVS share in case of those employees who have already retired and if so, how the pension could be given to these employees as they might have availed themselves of their own share in the CPF.
- (ii) It has been mentioned that 10% of the management share that is Rs.94.26 crores could be contributed out of the interest earned on the share of employee over and above the payout of the interest to the employees. If the employees share with interest has already been paid, then it needs clarification how the amount of Rs.94.26 crores from that is still available.
- (iii) It has been mentioned that an amount of Rs.20 crores per annum would be utilized from the internal receipts of NVS. It may be clarified as to what are the sources of internal receipts of NVS and how the same are utilized at present and if this Rs.20 crores is diverted, what will be its impact on the finances of NVS and quantum of Grant-in Aid from the Government?

- (iv) Any contributory pension scheme provides for annuity based on the value of corpus and there is no pre-defined element of annuity. However, pension in this case has been proposed to be 50% of the last pay and as such, it is not in keeping with the basic outline of the contributory pension scheme. Moreover, if pension is pre-determined whether it will not have any impact of the Pension Fund resulting in deficit and if so, has any actuarial valuation been done to the effect that there would be no impact on pension fund and, hence, no charge on the grant in Grant-in-Aid.
- (v) As regards, Kendriya Vidyalaya, NCERT, CTSA and NIOS, it may be clarified and to when pension scheme in this case was allowed and whether it was with the approval of Ministry of Finance and whether the employees there were in service as on 01.01.1986 or not. Also, whether employees of NVS came into service as on 01.01.1986 or not.
- (vi) What will be impact of present proposal in respect of other autonomous organization of MHRD - both in the Department of School Education & Literacy and Department of Higher Education? This may be explained with the possible financial implications, indication the autonomous bodies where it may have repercussions.

3. This issues with the approval of Secretary (Expenditure).

Gulveeka Badhan
(Gulveeka Badhan)

Under Secretary to the Govt. of India

Tel No:-2309 5680

Ministry of Human Resource Development
[Kind Attn: Ms. Darshan M. Dabral (JS & FA)],
120-C, Shastri Bhawan,
New Delhi 110001

1/8/89
TA/TA



to the Consolidated Fund of India immediately after finalisation of the accounts. Such advances should not be allowed to be adjusted against future releases.

Rule 230 (9) In making Grants to Non-Government or Quasi-Government Institutions or Organisations, a condition should be laid down that assets acquired wholly or substantially out of Government Grants, except those declared as obsolete and unserviceable or condemned in accordance with the procedure laid down in the General Financial Rules, shall not be disposed of without obtaining the prior approval of the authority which sanctioned the Grants-in-aid.

Rule 230 (10) The sanctioning authority may prescribe conditions regarding quantum and periodicity for release of Grants-in-aid in instalments in consultation with the Financial Adviser. However, the release of the last instalment of the Annual Grant must be conditional upon the Grantee Institutions providing reasonable evidence of proper utilization of instalments released earlier. In the cases where Central Financial Assistance (CFA) has been sanctioned, the grant will be released in one instalment upon the Grantee Institutions/ Organisation providing complete evidence of achieving the specified objectives and expenditure incurred supported by Audited Statement of Expenditure. In these cases, the grantee institutions will not be required to submit Utilization Certificates.

Rule 230 (11) In order to finalize the Budgetary Estimates of Grants in aid to the Grantee Institutions, the Ministry or Department should impress upon Institution or Organisation desiring Grants from Government, to submit their requirement with supporting details by the end of September in the year preceding the year for which the Grants-in-aid is sought. The Ministry or Department should finalize their examination of the requests with the utmost expedition and make the necessary Budget provision where it is decided to sanction Grants. The Institution or Organisation should be informed of the result of their requests by April of the succeeding year.

Rule 230 (12)

- (i) All Grantee Institutions or Organisations which receive more than fifty per cent. of their recurring expenditure in the form of Grants-in-aid, should ordinarily formulate terms and conditions of service of their employees which are, by and large, not higher than those applicable to similar categories of employees in Central Government. In exceptional cases relaxation may be made in consultation with the Ministry of Finance.
- (ii) Grantee Institutions or Organisations should be encouraged to take advantage of the pension or gratuity schemes or Group Insurance Schemes or house buildings loans or vehicle loans schemes etc. available in the market for employees instead of undertaking liability on their own or Government account.

Rule 230 (13) The sanctioning authority, while laying down the pattern of assistance, may decide whether the ownership of buildings constructed with Grants-in-aid may vest with Government or the Grantee Institution or Organisation. Where the ownership is vested in the Government, the Grantee Institution or Organisation may be allowed to occupy the building as a lessee. In such cases suitable record of details of location, cost, name of lessee and terms and conditions of lease must be maintained in the records of the granting Ministry or Department. In all cases of buildings constructed with Grants-in-aid, responsibility of maintenance of such buildings shall be of the Grantee Institution or Organisation.

Rule 230 (14) Any other special terms and conditions or procedures for transaction of business as Government may desire to be followed by the Grantee Institution or Organisation, shall be got incorporated in the Articles of Association or bye-laws of the Institution or Organisation concerned before release of Grants-in-aid.

Rule 230 (15) Grants-in-aid may be sanctioned to meet the bonafide expenditure incurred not earlier than two years prior to the date of issue of the sanction.

Rule 230 (16) The stipulation in regard to refund of

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/ 16

New Delhi, the 13th November, 2003.

OFFICE MEMORANDUM

Subject: Applicability of New Pension Scheme to the employees of Autonomous Bodies/PSUs under various Central Ministries/Departments.

The undersigned is directed to say that the Government have decided to introduce a New Pension Scheme based on defined contributions for new entrants recruited in Central Government service on or after 1.1.2004. The existing pension scheme will not, therefore, be applicable to such employees.

2. A Resolution has already been issued vide letter No.5(7)/2003-ECB & PR, on 10th October, 2003 to operationalise the decision of the Government to introduce a new pension scheme based on defined contributions. An interim Pension Fund Regulatory And Development Authority (PFRDA) is also being constituted.

3. In line with this decision, it has been further decided that new entrants in all Autonomous Bodies under various Central Ministries/Departments recruited on or after 1.1.2004 will also be governed by the new scheme and not by the existing pension scheme in these organizations.

4. It is accordingly requested that all Autonomous Bodies/PSUs under the administrative control of your Ministry/Department may be suitably informed so that they can take up the matter with Department of Economic Affairs (ECB & Pension Reforms Division) who are administratively concerned with formulation, processing and operationalisation of the new pension scheme, for detailed information in this regard.

S. Nath
(Sushama Nath)
Joint Secretary (Personnel)

To
All Secretaries
(As Per Standexd List).

[Handwritten signature]

ANNEXURE XIV
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9/11

No.16 (10)/EV/2013
Government of India
Ministry of Finance
Department of Expenditure

New Delhi, the 28th May, 2013

OFFICE MEMORANDUM

Subject:- Introduction of Pension Scheme under CCS(Pension) Rules, 1972 for the employees of Navodaya Vidyalaya Samiti (NVS).

The undersigned is directed to refer to Ministry of Human Resource Development OM No.17-44/2011-UT-3 dated 03.04.2013 forwarding therewith a DCN on the above subject.

2. The proposal as contained in the aforesaid DCN has been examined in the Ministry of Finance. The proposal, however, is not supported for the following reasons:

(a) The Cabinet has already approved MHRD's proposal for (i) introduction of NPS to all regular employees joining NVS after the date of notification and (ii) giving an option to the regular employees of NVS as on the date of notification of NPS to continue with the existing CPF scheme or to join the NPS.

(b) As a matter of policy the Government of India has moved away from the "Defined Benefit" Pension Scheme to the "Defined Contributory" Pension Scheme.

(c) In para 7.1.3 of the DCN, it has been stated that two Navodaya Vidyalayas were opened at Amravati and Jhajjar during 1985-86 which is not correct. In fact, two model schools, one at Amravati and the other at Jhajjar, were opened, and since the autonomous body to manage and run the Model Schools was yet to come into existence, the NCERT was given the responsibility of starting and running these two schools. The NVS as a society, established under the Societies Registration Act, 1860, was registered on 28.02.1986.

(d) Further, initially the appointments were made in NVS on deputation basis only. Direct recruitment/ permanent absorption started taking place from the year 1989 onwards. It is, therefore, clear that the employees of the NVS were not in service on 1st January, 1986, which was considered the crucial date of 4th Pay Commission's recommendations for extension of pension-cum-GPF scheme of the Government of India to the employees covered under Contributory Provident Fund Rules.

As regards the applicability of DoP&PW's OM dated 01.05.1987 to the employees of NVS, it is stated that it was meant for Central Government employees, and it was not automatically applicable to the employees of autonomous bodies. Para 7.2 of the said OM states that "Administrative Ministries administering the Contributory Provident Fund Rules, other than Contributory Provident Fund Rules (India), 1962 are also advised to issue similar orders in respect of CPF beneficiaries covered by those rules in consultation with the Department of Pension & Pensioner's Welfare." As such the provisions of aforesaid OM were not directly applicable to the employees of NVS.

(f) As regards the point that the Pension Scheme has been implemented for the employees of certain organisations such as IIT, Kanpur, IIT, Bombay, IIT, Kharagpur, IIT, Roorkee, CSIR, LIC etc, set up almost at the same time or after the establishment of NVS, it is stated that Department of Expenditure is not aware of the circumstances under which the CCS (Pension) Rules in these aforesaid Organisations has been made applicable. As regard Nehru Yuva Kendra, it is intimated that CCS (Pension) Scheme has been partially implemented for the employees of NYKs on the directions of Courts through various judgements.

3. This issues with the approval of the Finance Minister.


(S.M. Gupta)

Under Secretary to the Govt. of India
Tel No: 2309 5602

To

Shri P.K. Mittal
Deputy Secretary
Ministry of Human Resource Development
Department of School Education & Literacy
Shastri Bhavan, New Delhi

Issued
28/5/13

O/c

No 16(10)/E V/2013
Government of India
Ministry of Finance
Department of Expenditure

North Block, New Delhi- 110 001
Dated the 1st October, 2013

OFFICE MEMORANDUM

Subject: - Introduction of Pension Scheme under CCS (Pension) Rules, 1972 for the employees of Navodaya Vidyalaya Samiti (NVS).

The undersigned is directed to refer to Ministry of Human Resource Development's O.M.No.17-44/2011-UT-3 dated 19/07/2013 forwarding therewith a Draft Cabinet Note (DCN) on the above mentioned subject

2. The proposal as contained in the aforesaid DCN has been examined in the Ministry of Finance, and the earlier views communicated vide O.M. dated 28/05/2013 are reiterated. The Department of Expenditure has consistently not been agreeing to introduction of the conventional pension scheme for employees of autonomous bodies in various Ministries/ Departments, and has been advising the autonomous bodies to work out a suitable annuity scheme, or to move over to the NPS for pre-2004 employees, without any liability on Govt. of India. The cost of introducing a pension scheme based on a 'defined benefit' model with an open ended liability on the part of Govt. to meet periodic upward revisions does not appear viable. To that extent, it would not be possible for us to support the proposal to set up a Pension Fund as envisaged in the DCN, with part funding from the Govt. by way of Grants-in-Aid. Agreeing to any such proposal in the case of Navodaya Vidyalaya Sangathan, would lead to similar demands from other autonomous bodies also.

3. This issues with the approval of the Finance Minister.

(S.M. Gupta)

Under Secretary to the Govt. of India
Tel: 011-23095602

Shri P.K. Mittal
Deputy Secretary
Ministry of Human Resource Development
Deptt. of School Education & Literacy
Shastri Bhavan
New Delhi- 110 001.

नेर्मला सीतारामन
त ए. का. रट कार्य मंत्री
भारत सरकार



ANNEXURE - XVI
Nirmala Sitharaman
Minister of Finance and Corporate Affairs
Government of India

D.O. No. 16(10)/EV/2003-Vol.V
Dated the 21st December, 2020

Dear Shri Ramesh Pokhriyal 'Nishak' ji,

Please refer to your DO letter No. 17-32/2018-UT-3, dated 20.02.2020 along with a representation dated 05.11.2019, received from All India Jawahar Navodaya Vidyalaya Principals' Forum regarding providing social security (Pension, Post Retirement Medical Facility and Enhanced Gratuity) to the employees of Navodaya Vidyalaya Samiti (NVS) who joined before 01.01.2004 by way of annuity based pension Scheme from LIC.

In this context, we would like to inform you that similar proposal received from Ministry of Education was examined in August 2019, in keeping with the long standing policy in respect of Autonomous Bodies in general and the decision earlier taken by this Department in 2013 in the case of NVS that any such annuity based pension scheme will have to be truly contributory in nature without any budgetary support in the form of Grant-in aid. The stand was re-iterated vide our ID Note of even number dated 08.08.2019 that pension fund may be set up in a manner that there is no government support, whereas the proposed Option C intends to involve an annual budgetary assistance from Government to the tune of Rs.100-120 crores for next 15 years. In this context vide DoE's OM of even number dated 17.07.2020 followed by reminder dated 08.12.2020, MoE was requested to provide certain clarifications which is yet to be received.

It will be appreciated if NVS in consultation with the LIC may formulate a pension scheme which is purely contributory and self sustainable requiring no government support.

With regards,

Yours sincerely,


(Nirmala Sitharaman)

Shri Ramesh Pokhriyal 'Nishak'
Minister of Education
3, 'C' Wing, Shastri Bhawan
New Delhi - 110115.

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N-176/N
(Vol. V)

Ministry of Finance
Department of Expenditure
EV Branch

Subject: Grant of CCS (Pension) Rules, 1972 for Pre-2004 employees of Navodaya Vidyalaya Samiti (NVS).

MoE may please refer to their notes on preceding pages, recorded on their F. No.17-32/2018-UT-3 and DO letter dated 03.12.2021 of Secretary (DoSE&L) seeking 'in principle' approval of this Department for grant of CCS (Pension) Rules, 1972 for the pre-2004 employees of Navodaya Vidyalaya Samiti (NVS).

2. The deviation in the proposal of NVS from annuity based pension scheme to CCS (Pension) is not understood as NVS was already working annuity based pension scheme in consultation with the LIC. It has been already clarified that as per the estimation carried out in this Department in respect of the pensionary benefits applicable to the employees of Autonomous Bodies (ABs) under various Ministries/Departments, there are approximately 50,000 serving and matching number of retired employees who are seeking similar benefits. The financial outlay for all such employees will certainly cost central exchequer a whopping amount and thus case of NVS may not be treated in isolation based on its lower implication due to management share of CPF contribution, as any deviation in the stand of Ministry of Finance would open flood gates for similar proposal.

3. The pre-2004 era employees of NVS or those who were covered in CPF were given option to migrate to NPS with existing CPF corpus, however, it can be seen that as against the directions of this Department, NVS adopted NPS w.e.f. 01.4.2009, loosing accumulation benefits for 5 long years. Moreover, GOI is constantly considering all the reasonable benefits as applicable to the Central Government employees under NPS to bring both categories on equal footing as far as pensionary benefits are concerned. Few examples are applicability of notification dated 31.01.2019 of the DFS in terms of order dated 26.08.2021 and 21.10.2021.

4. Besides, new facts brought out by DoSEL stating that few recruitments were made in Model School prior to 01.01.1986 also do not fulfill the pre-requisites as stipulated in DoP&PW's O.M dated 01.05.1987. Another fact that Model Schools were established prior to 01.01.1986 and registration of NVS Society on 28.02.1986 was a technical formality may not affect the existing policy stand of this Department. Since, Model Schools were under aegis of NCERT and later in 1986 NVS was created as an AB and post its creation Model Schools, re-christened as Navodaya Vidyalaya were brought under NVS which was not having CCS (Pension) since its inception and with the approval of this Department adopted CPF rules in 1991 w.e.f 1988.

5. In view of the above, the proposal of MoE to grant CCS (Pension) to the pre-2004 employees of NVS is totally against the policy regime of the Government of India in terms of this Department's directives dated 16.03.2000. MoE is advised once again to ask NVS to consider a purely-contributory, self-sustainable annuity based scheme, seeking no Government support.

6. This has the approval of Competent Authority.

Gulveena Badhan
(Gulveena Badhan)

Under Secretary to the Govt. of India
02309 5680

M/o Education, [Kind Attn: Ms. Anita Karaw], Secretary(DoSE&L), 124, 'C' Wing,
Shastri Bhawan, New Delhi 110001

M/o Finance, D/o Expenditure's I.D. Note No.16(10)EV/2003-Vol.V, dated
01.04.2022

MINUTES OF THE EIGHTEENTH SITTING OF THE COMMITTEE ON PETITIONS
(SEVENTEENTH LOK SABHA)

The Committee met on Monday, 13 December, 2021 from 1500 hrs. to 1700 hrs. in Committee Room 'B', Parliament House Annexe, New Delhi.

PRESENT

Shri Harish Dwivedi - Chairperson

MEMBERS

2. Shri Anto Antony
3. Shri Hanuman Beniwal
4. Shri Brijendra Singh
5. Shri Sushil Kumar Singh
6. Shri Manoj Kumar Tiwari
7. Shri Prabhubhai Nagarbhai Vasava
8. Shri Rajan Vichare

SECRETARIAT

1. Shri T.G. Chandrashekhar - Joint Secretary
2. Shri Raju Srivastava - Director
3. Shri G. C. Dobhal - Additional Director

SPECIAL INVITEE

[Representationists]

1. Shri Yogendra Sharma - President (Navodaya Vidyalaya Employees Welfare Association)
2. Shri Rahul Singh - General Secy. (Navodaya Vidyalaya Employees Welfare Association)
3. Shri Smt K. Manjula - National President (All Navodaya Vidyalaya Samiti Staff Association)
4. Shri Yogendra Bhakta - Principal, Jawahar Navodaya Vidyalaya, Rudhauri, Basti (U.P.)
5. Shri S. Kannan - All India Jawahar Navodaya Vidyalaya Principals' Forum

WITNESSES

MINISTRY OF EDUCATION (DEPARTMENT OF SCHOOL EDUCATION AND LITERACY)

1.	Smt. Anita Karwal	-	Secretary
2.	Shri L.S. Changsan	-	Joint Secretary (Institutions)
3.	Shri Vinayak Garg	-	Commissioner (NVS)
4.	Shri G. Arumugam	-	Joint Commissioner (Pers.) NVS

2. *** *** *** *** *** *** ***

[The representationists were, then, ushered in]

3. After welcoming the representationists, the Chairperson drew their attention to Direction 55(1) of the Directions by the Speaker regarding confidentiality of the proceedings of the Committee and invited them to express their views on the representation(s) requesting to cover the employees of Jawahar Navodaya Vidyalaya who joined their services before 1.1.2004 under the Central Civil Services (Pension) Rules, 1972. However, before hearing their views in the matter, the Chairperson asked them to clarify on the following aspects in relation to the instant case:-

- (i) Whether it is a fact that CCS (Pension) Scheme was made applicable to the employees, who were in service as on 1.1.1986, by the Government of India in pursuance of the recommendations of the Fourth Pay Commission? If so, on what basis the representationists have been demanding to cover the eligible NVS employees under the said Scheme, as the NVS is a Society established and registered only on 28.2.1986?
- (ii) Since similar organizations like KVS, NCERT, CTSA and NIOS were established before 1.1.1986, then, how the NVS is being compared to these organizations in regard to issues relating to grant of pension under the CCS (Pension) Scheme, 1972?
- (iii) The Government of India had approved establishing of 432 Model Schools in the country on 5.8.1985 and approximately, Rs. 22 lakh was sanctioned as initial instalment on 28.10.1985 and approval for creation of posts was also granted on the same date. However, NVS as a Society was registered on 28.2.1986. In this backdrop, whether some employees were appointed in the NVS between 28.10.1985 and 28.2.1986?
- (iv) Apart from the CCS (Pension) Scheme, NVS had proposed three options for annuity based Pension Schemes, viz., (i) the monthly pension of 50% of basic pay last drawn with Dearness Relief and Family Pension; (ii) the monthly pension of 50% of basic pay last drawn with Family Pension; and (iii) the monthly pension of 50% of basic pay last drawn. What were the reasons for demanding the first option, despite the fact that the Ministry of Education had accepted the third option?

4. In pursuance thereof, the main issues that were put forth by the representationists, before the Committee, were as follows:-

- (i) As regards the Department of Pension & Pensioners' Welfare (DoP&PW) Office Memorandum dated 1.5.1987 relating to change over from the CPF Scheme to the Pension Scheme, the objective was to cover the employees under the Pension Scheme, whereby, option was given

to all CPF beneficiaries to come under the Pension Scheme. However, if not the employees had not opted, they would be deemed to have been covered under the Pension Scheme. Since the affected employees were not given the opportunity to exercise the said option, they should be covered under the Pension Scheme.

- (ii) Before the establishment of the NVS (*erstwhile Model Schools*), the Government of India had assured that their employees' would get salary, allowances and other benefits similar to or better than the employees of other institutions/organisations of equal status. However, later on, it did not happen, as they were deprived of the similar pensionary benefits, despite the fact that they have more working hours and responsibilities *vis-a-vis* their counterparts working in other similar institutions/organisations.
- (iii) During the period between 28.10.1985 and 28.2.1986, two staff were appointed in the Model School at Jhajjar (Haryana) on 13.12.1985.
- (iv) Out of the three options for annuity based Pension Scheme, the third option, *viz.*, the monthly pension of 50% of basic pay last drawn is the most favourable for the Government. However, at present, in the NVS, the employees who were appointed between 1986 and 2004 are the worst sufferers as they have neither got an opportunity to be covered under the Old Pension Scheme nor the New Pension Scheme. The affected retired employees could hardly manage their lives with the meagre pension amount and have become dependent on others even for their medicines. In view of this, these employees deserve to be covered under the most favorable, first option, *i.e.*, the monthly pension of 50% of basic pay last drawn with Dearness Relief and Family Pension.
- (v) The number of such affected NVS employees is not more than 18,000.
- (vi) In the beginning, most of the Officers/Staff working in the NVS were on deputation and were eligible for drawal of pension under the Old Pension Scheme from their parent Department(s) and therefore, they did not show much interest to put in their efforts towards covering the NVS employees under the Old Pension Scheme instead of CPF, which was forcibly implemented in their case.
- (vii) The NVS employees were deprived of the option for choosing GPF-cum-Pension Scheme only on technical ground, *i.e.*, NVS was not registered as on 1.1.1986 (*the crucial date for switching over from CPF Scheme to GPF-cum-Pension Scheme*).
- (viii) The affected party had also approached up to the Supreme Court. However, all the related cases were disposed of collectively by the Supreme Court through a single judgment dated 20.1.2015 and while dismissing the WPs and SLP in the matter, the Court had *inter alia* observed that "...*The cut-off date is a domain of the employer and so the introduction of new scheme of pension will be done considering all the relevant factors including financial viability of the same...*".
- (ix) The Petitioners could not get a favorable judgment due to their inability in producing the relevant documents in support of their claim.
- (x) NITI Aayog and Various Parliamentary Committees have also recommended for covering the employees of Jawahar Navodaya Vidyalaya who joined their services before 1.1.2004 under

the Central Civil Services (Pension) Rules, 1972, however, so far no positive action has been taken in this regard.

- (xi) As per General Financial Rules 2005 and 2017, all Grantee Institutions or Organisations which receive more than fifty per cent of their recurring expenditure in the form of grants-in-aid, should ordinarily formulate terms and conditions of service of their employees which are, by and large, not higher than those applicable to similar categories of employees in the Central Government. As a matter of fact, Jawahar Navodaya Vidyalaya get hundred per cent of their recurring expenditure in the form of grants-in-aid from the Government. Hence, the benefits to the employees of JNVs should at least be at par with other Central Government employees.

[The representationists, then, withdrew]

[Thereafter, the representatives of the Ministry of Education (Department of School Education & Literacy) were ushered in]

5. After welcoming the representatives of Ministry of Education (Department of School Education & Literacy), the Chairperson read out Direction 55(1) of the Directions by the Speaker regarding confidentiality of the proceedings of the Committee. The Committee, then, sought clarifications from the representatives of the Ministry on various aspects relating to the representation(s) requesting to cover the employees of Jawahar Navodaya Vidyalaya who joined their services before 1.1.2004 under the Central Civil Services (Pension) Rules, 1972, as under:-

- (i) In February, 2020, the then Minister of Education had sent a letter to the Finance Minister in regard to implementation of Pension Scheme for consideration of the Department of Expenditure, Ministry of Finance. In response thereto, the Department of Expenditure, in July, 2020, had sought certain clarifications regarding various observations made by them. However, the replies are yet to be forwarded by the Ministry of Education (Department of School Education & Literacy). What are the compelling reason(s) that the Ministry is yet to arrive at a conclusion to resolve the issue?
- (ii) Notwithstanding the fact that the registration of Navodaya Vidyalaya Samiti as an Autonomous Body has been done on 28.2.1986 which forms the basis for depriving the employees of the NVS of the benefits under the CCS (Pension) Scheme, whether any appointments have been made in the NVS between the period of 28.10.1985 (*the date of sanctioning the initial installment for establishment of 432 Modal Schools in the country*) and 28.2.1986?
- (iii) Although the Ministry of Education (Department of School Education & Literacy) had approved the third option among the three options for annuity based Pension Schemes, i.e., monthly pension of 50% of basic pay last drawn, the Department of Expenditure had not sanctioned the same. In such a situation, whether any correspondence has been made by the Department of School Education & Literacy to the Department of Expenditure to resolve the issue and whether there is any possibility for implementation of the same?
- (iv) The Central Government has given an opportunity to those employees who were appointed before January 1, 2004 but joined service on or after January 1, 2004 to get themselves covered under the Central Civil Services (Pension) Rules, 1972 instead of the NPS (New Pension System) thereby giving relief to several Central Government employees, who approached the Courts in order to get themselves covered under the CCS (Pension) Rules, 1972. In this backdrop, whether the Ministry of Education (Department of School Education &

Literacy) is contemplating on taking any concrete step to provide relief to the affected employees of the NVS?

6. The representatives of the Ministry of Education (Department of School Education & Literacy), thereafter, put forth their comments/views, as under:-

- (i) As regards the Department of School Education & Literacy, it is clarified that there is no objection to the demands of the representationists in the instant case.
- (ii) The Department have undergone a detailed examination in the matter and found that the Department concerned has referred for implementation of CCS Pension Scheme in the year 1989 itself.
- (iii) There are several Government organisations/institutions, viz., Prasar Bharati, NHRC and other organisations related to Space and Atomic Energy which came into existence since 1992 and have been covered under the CCS (Pension) Scheme, 1972.

7. After hearing the views of the representationists and the representatives of the Ministry of Education (Department of School Education & Literacy), the Committee expressed their views, as follows:-

- (i) The Ministry of Education (Department of School Education & Literacy) should apprise the Committee of their final stand after conducting an internal consultation on the issue within seven days.
- (ii) The Principals, Teachers and other Staff members working in the NVS are an important part of the Nation-building process. Therefore, they cannot be deprived of their rightful pensionary benefits on technical grounds.
- (iii) For undertaking a detailed examination of the subject, if need be, the representatives of the Ministry of Finance (Department of Expenditure) may be called for briefing/oral evidence.
- (iv) The Ministry of Education (Department of School Education & Literacy) should furnish their written replies to the queries raised by the Members, which could not be orally responded to during the sitting of the Committee.

[The witnesses, then, withdrew]

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The Committee, then, adjourned.

*** Does not pertain to this Report.

[The representatives of the Ministry of Finance (Department of Expenditure) and the Ministry of Education (Department of School Education & Literacy) were ushered in]

3. After welcoming the representatives of Ministries of Finance (Department of Expenditure) and Education (Department of School Education & Literacy), the Hon'ble Chairperson drew their attention to Direction 55(1) of the Directions by the Speaker, Lok Sabha regarding confidentiality of the proceedings of the Committee.

4. Thereafter, the Committee took oral evidence of the representatives of the Ministry of Finance (Department of Expenditure) and the Ministry of Education (Department of School Education & Literacy) on the representations of S/Shri Yogendra Sharma, Rahul Singh, Yogendra Bhakta, S. Kannan and Mrs. K. Manjula, forwarded by Members of Parliament requesting to cover the employees of Navodaya Vidyalaya Samiti/Jawahar Navodaya Vidyalaya (*erstwhile* Model School) who joined their services before 1 January, 2004 under the Central Civil Services (Pension) Rules, 1972. However, before hearing the views of the representatives of the Ministries, the Committee while recollecting the discussion held on the matter during their sitting held on 13.12.2021, sought clarifications on the following aspects:-

- (i) The Government of India provided for exercising the option to switch over from Contributory Provident Fund Scheme to Group Provident Fund-cum-Pension Scheme under the Central Civil Services (Pension) Rules, 1972 in respect of the Central Government employees who were in service as on 01.01.1986. However, in the opinion of the Ministries, since the Navodaya Vidyalaya Samiti (NVS) came into existence only on 28.02.1986, their employees can be made eligible for the Pension Scheme. As a matter of fact, at least ten Institutions, namely, the National Institute of Open Schooling, National Human Right Commission, Nuclear Science Centre, Prasar Bharti, Maulana Azad National Urdu University, etc., had been established after 01.01.1986 and even then, they have been extended the facility of CCS (Pension) Scheme, 1972. While drawing a parallel between these Institutions vis-a-vis NVS, a moot question arises as to why similar Pension Scheme has not been extended to NVS?
- (ii) As per information furnished by the Ministry of Education (Department of Education and Literacy), the total number of NVS employees eligible for CCS (Pension) Rules, 1972 is 12,783, which is a meager number vis-a-vis the Central Government employees. In view of this, the Committee do not see any functional problem for extending the benefits of Pension Scheme to the NVS employees which appears to be their legitimate right. Both the Ministries should clarify their position on this matter.
- (iii) As per the averments made by the Ministry of Finance, if the Pension Scheme is extended to the NVS employees, it would put extra burden on the exchequer and hence, the Scheme cannot be implemented.

5. In response thereof, the major points put forth by the representatives of Ministries of Finance (Department of Expenditure) and Education (Department of School Education & Literacy before the Committee, were as under:-

- (i) The Orders issued by the Government of India are not directly and automatically applicable to the Autonomous Bodies. The Order dated 01.05.1987 issued by the Government was though strictly applicable for the Central Government employees to switch over from the Contributory Pension Fund Scheme to the General Provident Fund Scheme, various Ministries adopted the same and implemented in the Autonomous Bodies under their administrative control. However, the said Orders were not made applicable to the employees of NVS as there were three requirements which are required to be fulfilled by the employees, as under:-
 - (a) they must be Central Govt. employees;
 - (b) they must be in service on 01.01.1986; and
 - (c) they must be CPF beneficiaries as on 01.01.1986.
- (ii) There are as many as 680 Autonomous Bodies under the administrative control of the Government of India. Out of these, in 168 Bodies/Entities, NPS is applicable whereas, out of remaining 512 Bodies/Entities, in only 188, GPF Scheme is applicable and the rest 324 Autonomous Bodies do not have GPF Scheme. NVS is one such Autonomous Body.
- (iii) If the superannuated and working employees of the 324 Autonomous Bodies are extended the benefits of Pension Scheme, the financial burden on the exchequer would be approximately Rs. 82,000 crore. As a matter of fact, these left out Autonomous Bodies have been submitting their representations for extension of GPF-cum-Pension Scheme.
- (iv) The Ministry of Finance do not see the case of NVS in isolation and as a matter of fact, such issues have to be considered on the basis of extant Rule(s) and principles, besides financial implications on the exchequer.
- (v) Various Institutions/Autonomous Bodies which have been extended the benefits of GPF-cum-Pension Scheme are based on judgments/orders by the Courts.
- (vi) The Ministry of Finance can work out on an alternative workable mode of Pension which would not be imitative of Old Pension Scheme such as the annuity based scheme with the support of Life Insurance Corporation of India.

6. After hearing the views of the representatives of the Ministry of Finance (Department of Expenditure) and the Ministry of Education (Department of School Education & Literacy), the Committee expressed their views, as under:-

- (i) The Ministry of Finance (Department of Expenditure) should analyse the phase- wise financial implications in case the facility of CCS (Pension) Scheme, 1972 is extended to the employees of Navodaya Vidyalaya Samiti/Jawahar Navodaya Vidyalaya (*erstwhile* Model School) who joined their services before 1 January, 2004.
- (ii) The instant case of NVS has to be considered keeping in view the principles of natural justice and on humanitarian grounds.
- (iii) The Ministries of Finance (Department of Expenditure) and Education (Department of School Education & Literacy) should apprise the Committee about their final version in the matter within seven working days.

[The representatives of the Ministry of Finance (Department of Expenditure) and the Ministry of Education (Department of School Education & Literacy) then, withdrew]

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The Committee, then, adjourned.

*** Does not pertain to this Report.

**MINUTES OF THE TWENTY FIRST SITTING OF THE COMMITTEE ON PETITIONS
(SEVENTEENTH LOK SABHA)**

The Committee met on Thursday, 19 May, 2022 from 1100 hrs. to 1300 hrs. in Committee Room 'B', Parliament House Annexe, New Delhi.

PRESENT

Shri Harish Dwivedi - Chairperson

MEMBERS

2. Shri Hanuman Beniwal
3. Dr. Sukanta Majumdar
4. Shri Arvind Ganpat Sawant
5. Shri Brijendra Singh
6. Shri Sushil Kumar Singh
7. Shri Manoj Tiwari
8. Shri Prabhubhai Nagarbai Vasava
9. Shri Rajan Baburao Vichare

SECRETARIAT

1. Shri T. G. Chandrasekhar - Additional Secretary
2. Shri Raju Srivastava - Director
3. Shri G.C. Dobhal - Additional Director

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10. The Committee, thereafter, took up for consideration the following two draft Reports:-

(i) Report on the representations of S/Shri Yogendra Sharma, Rahul Singh, Yogendra Bhakta, S. Kannan and Smt K. Manjula and other individuals/Associations, etc., forwarded by Members of Parliament requesting to cover the employees of Navodaya Vidyalaya Samiti/Jawahar Navodaya Vidyalaya (*erstwhile Model Schools*) who joined their services before 1.1.2004 under the Central Civil Services (Pension) Rules, 1972.

(ii) *** **

11. After discussing the above mentioned two draft Reports in detail, the Committee adopted these Reports without any modification(s). The Committee also authorised the Chairperson to finalise the draft Reports and present the same to the House in the next Session.

12. *** **

13. *** **

The Committee, then, adjourned.

*** Does not pertain to this Report.