

NAVODAYA VIDYALAYA EMPLOYEES WELFARE ASSOCIATION

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

Website:- www.nvewa.in Email:- nvewacec@gmail.com



Yogendra Sharma

President

08708865858

Area of Operation- All INDIA

Rahul Singh

General Secretary

09554362044

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

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

Amar Singh

Vice President

Umesh Bhardwaj

Vice President

Avinash Pratap Rai

Dy. General Secretary

Dr S. Balasubramanian

Dy. General Secretary

S.Paul

Dy. General Secretary

Ayaz Ansari

Organising Secretary

Ranjeeta Senapati

Secretary

Ritwik Bandyopadhyaya

Academic Secretary

Arjit Das

Staff Welfare Secretary

Prashant Ku. Chansoriya

Press Secretary

Sahab Ali Khan

Spokesperson

Tarachand Saini

Treasurer

Dr Gurdit Singh

Executive Member

Yogesh Kumar Verma

Executive Member

Advct. Ashok

Priyadarshi

Legal Advisor

Member of CEC

M.K. Singh

Arun Gaur

D.S. Tomar

Bharat Reddy

Maliram Sharma

Narendra Surayvanshi

Durga Prasad

Dinesh Negi

Dr Suman Kumar Singh

To

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,

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

recommended grant of CCS(Pension) rules 1972, to the staff of Navodaya Vidyalaya Samiti. It is unfortunate that most of the recommendations of the said committee have 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

Vidyalaya Samiti was still awaited. In Nut shell an appropriate action was not taken by Navodaya Vidyalaya Samitito introduce central Government pension Scheme during1995.

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 undersection2(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 CAno6369/01,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 courtre commends to make appropriate legislation to provide better benefits more or less beneficial than the gratuity benefits provided under theact. 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 ofa 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 Nov2000 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 ruleFNo19/99dt20-11-2000. Still the employees are not extended with pensionary benefits including gratuity to the teaching staff.

27. Rule149/(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.

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 retires.”

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 CPFSchemetopensionschemewiththeeffect1-1- 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

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	

	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.

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, Vith Pay Commicsion-cum-Cabinet Secretary for grant of Pensionary benefits under CCS (Pension) Rules, 1972 to the employees of NVS.
46. On17.06.2008, 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 Rules1972 to the employees of NVS who joined prior to1-1-2004.
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 letterno.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. On16.06.2009,All India Jawahar Navodaya Vidyalaya Principals’ Forums sent a representation to the HRD Minister seeking extension of benefit.
51. On14.09.2009, 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 Rules1972 to those employees who have joined prior to1-1-2004.
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 to1-1-2004.

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 Sangathan 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.

Again a second Actuary Committee was engaged to work out the financial implications of CCS Pension 1972 if 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 NVS 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 Vidyalayas 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 11:00PM 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

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

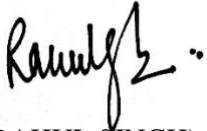
It is a matter of immense national pride that the students of JNVs hailing from remote, back of behind rural India and members of poor families struggling miserably to eke out a life have now become high flying officers of IAS cadres and several government organizations, Indian Military Service ,Indian 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.

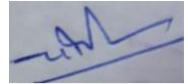
Submission:

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