

Central Administrative Tribunal

Principal Bench

O.A. No. 2068 of 2001

New Delhi, dated this the --- May, 2002

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

Jagjit Singh S/o Vir Singh
R/O E D-296, Old Railway Road,
Jallandhar City, Last Employment,
as Sr. Chargeman Northern Railway,
Carriage & Wagon, Railway Workshop,
Alam Bagh, Lucknow. Applicant
(By Advocate : Shri S.K. Vyas)

VESUS

Union of India Through-

1. Chairman, Railway Board, Rail
Bhawan, Rafi Marg, New Delhi-1.

2. General Manager, Northern Railway,
Baroda House, New Delhi-110001.

3. Deputy Chief Mechanical Engineer,
Northern Railway, Alam Bagh,
(Workshops) Lucknow. Respondents
(By Advocate : Shri Rajinder Khatter)

ORDER

S.R. ADIGE, VC (A)

Applicant impugn respondents' letter dated 12.1.2001 (Annexure A-2) rejecting his prayer to opt for pensionary benefits w.e.f. 12.4.77 till date after adjusting the S.R.P.F. benefits paid to him at the time of his voluntary retirement.

2. Pleadings reveal that applicant was appointed on 27.3.46 and was subsequently promoted as Sr. Chargeman. He had applied for voluntary retirement, which was accepted and ^{he} L retired voluntarily on 12.4.77. At the time of his voluntary retirement he was an SRPF (contributory) optee and no materials have been shown by applicant to establish that he opted to come under the pension scheme.

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3. The Pension Scheme was introduced in the Railways on 16.11.57 and employees were asked to come under the scheme ~~within a~~ ^{within a} ~~within a~~ prescribed period of time, which period was subsequently extended from time to time vide Railway Board's letter dated 23.7.74. The date was last extended until 31.12.78.

4. Applicant contends that he was not made aware of the aforesaid pension scheme till the date of his retirement and even after his retirement, and it is only when he learnt about the scheme through a friend that he applied on 10.8.77 for the option form to come on to the Pension Scheme. Respondents deny that applicant ever exercised his option to come on to the Pension Scheme. Applicant has himself enclosed a copy of respondents' letter dated 30.4.83 addressed to himself (Annexure A-3) making it clear that he had never opted to come on to the Pension Scheme during his service period and there is nothing in that letter from which it can be construed that applicant submitted any option even on 10.8.77 as claimed by him. There are no materials filed by applicant to establish that he ever contested the contents of that ^{letter} ~~letter~~ dated 30.4.83.

5. Indeed pursuant to Railway Board's letter dated 27.1.98 to grant ex gratia payment to surviving SRPF retirees, applicant does not deny that he applied for the ex gratia payment and the same was granted to him w.e.f. 1.11.97, but later on the same was withdrawn by letter dated 26.12.99 as it was found that he was not entitled to the same. In other words right until 26.2.99 applicant was aware that he

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was an SRPF retirees, and now claimed to have exercised his option to come on to the Pension Scheme.

6. It is noted that on 13.3.2000 applicant for the first time claimed to have made an effort to exercise his option to come on to the Pension Scheme w.e.f. 10.8.77, but this claim is disproved by applicant's own application for ex gratia payment as a SRPF retirees (who is not entitled to pension) pursuant to Railway Board's letter dated 27.1.98.

7. Applicant relies upon the Supreme Court ruling dated 22.11.96 in SLP (C) No. 1485 of 1995 Union of India & Ors. Vs. D.R.R. Shastri (Annexure A-6) wherein the CAT Madras Bench's order dated 23.9.94 in OA No. 711/93 was upheld because it was established that notwithstanding the clear statement on Railway Board's letter dated 22.7.74 to bring the provision of the liberalised Pension Scheme to the notice of all employees to enable them to opt to come over to the Scheme, it had not been brought to the notice of that applicant, and he was therefore entitled to the benefits of that Scheme.

8. The aforesaid ruling in DRR Shastri's case (supra) however does not help applicant, because he himself admits in para 3.7 of his representation dated 13.3.2000 (Annexure A-4) that he came to know of the liberalised pension scheme from his friend and applied for the pension option form on 10.8.77 but the same was not supplied to them. There are no material produced by applicant to indicate that he

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(14) (a)

perused the matter with the authorities on ~~his~~ ^{their} not supplying him the pension option Form, and indeed he himself admits in para 3.8 of the aforesaid representation dated 13.3.2000 that he accepted the special contribution to Provident Fund amounting to Rs. 10417.35 on 16.11.77.

9. Manifestly applicant through the present OA is seeking to revive a stale claim and the OA warrants no interference. It is dismissed. No costs.


(S.R. Adige)
Vice Chairman (A)

/kd/