

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

16

O.A. No. 1812 of 1997
MA. 886 of 1998

New Delhi, this 03rd day of November, 1998.

HON'BLE SMT. LAKSHMI SWAMINATHAN, MEMBER(J)
HON'BLE SHRI K. MUTHUKUMAR, MEMBER(A)

1. Hari Chand
S/o Late Shri Dal Chand
R/o 3220, Gali School Wali
Paharganj
New Delhi-55.
2. Ganga Ram
S/o Shri Jai Ram Dass
R/o AL-18, Shalimar Bagh
Delhi.
3. Kishan Kumar
S/o Shri Mohan Lal
R/o 9/1199 Multani Mohalla
Gandhi Nagar
Delhi-31.

... Applicants

By Advocate: Shri H. P. Chakravorty

versus

Union of India, through,

1. The Chairman,
Railway Board,
Principal Secretary to the
Government of India,
Ministry of Railways,
Rail Bhawan
New Delhi.
2. The General Manager,
Northern Railway,
Baroda House,
New Delhi.
3. The Divisional Railway Manager,
Northern Railway,
New Delhi.

... Respondents

By Advocate: Shri R.L. Dhawan

O R D E R (oral)

Hon'ble Smt. Lakshmi Swaminathan, M(J)

The applicants have filed this application seeking a direction to the respondents to dispense

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with the provision of seeking options, which according to them they have exercised within a period of six months from the issue of the Railway Board's order dated 5.5.95. We note from the reply filed by the respondents that they ~~had~~ stated then that in the case of applicants-1&2, their requests were being considered by the Government for relaxing the time limit for exercising their option beyond six months which had been prescribed. Shri R.L. Dhawan, learned counsel has submitted a letter dated 26.10.98 in respect of applicants-1&2 stating that their request for condonation has been ¹⁸accepted by the respondents and their pay will be accordingly fixed in terms of PS No.11001 (copy of the letter placed on record).

2. In view of the above, the relief prayed survives only in respect of applicant no.3. In his case the respondents contend that since he was in service at the time when the letter calling for options was issued by Railway Board's letter dated 5.5.95, as he had retired from service with effect from 30.6.97, no such condonation could be extended to him. Shri H.P. Chakravorty, learned counsel however has drawn our attention to the representation made by applicant No.3 dated 13.6.97. In the bottom of this letter the following remarks had been recorded by the Senior Divisional Mechanical Engineer/Goods, N.R. New Delhi:-

"Forwarded for favourable consideration with the remarks that the relevant letter PS No.11001 was not received in this office & the employee is going to be retire on 30.6.97."

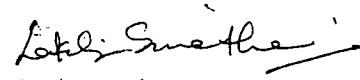
3. In their reply, the respondents have not disputed ~~that~~ the statement recorded by the Senior Divisional Mechanical Engineer about the fact that the relevant letter PS No.11001 was not received in that office and hence applicant no.3 could not have been aware of this. In view of this, we accept the facts stated by the Senior Divisional Mechanical Engineer/Goods, who is a Gazetted officer, as nothing has been brought on record by the respondents to controvert this record.

4. In the above facts and circumstances of the case, the respondents shall extend similar benefits to applicant no.3 as given to applicants-1&2. This shall be done within three months from the date of receipt of a copy of this order. In view of this, MA.886/98 stands disposed of.

5. In the result, OA is allowed as above. No order as to costs.


(K. Muthukumar)
Member (A)

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(Smt. Lakshmi Swaminathan)
Member (J)