

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

REGN.NO. D.A. 324/87.

DATE OF DECISION: 24th August, 92.

Khiali Ram. ... Petitioner.

Versus

Union of India & anr. ... Respondents.

CORAM: THE HON'BLE MR. JUSTICE V.S. MALIMATH, CHAIRMAN.
THE HON'BLE MR. I.K. RASGOTRA, MEMBER(A).

For the Petitioner. ... Shri Ashish Kalia,
proxy for Shri R.L.
Sethi, Counsel.

For the Respondents. ... Shri D.N. Moolri,
Counsel.


JUDGEMENT (ORAL)

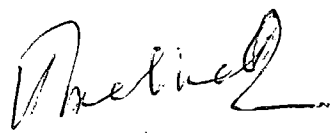
(By Hon'ble Mr. Justice V.S. Malimath,
Chairman)

The grievance of the petitioner is in regard to non sanction of pension to him. He joined service as a Keyman on 22.1.1947 in the scale of Rs.210-270. He retired on attaining the age of superannuation on 31.1.1985. He has come to the Tribunal complaining that no pension has been sanctioned even though he has exercised his option in favour of the pension scheme.

2. The respondents have taken the stand in the reply filed by them that at no point of time the petitioner exercised his option in favour of the pension scheme. They have further asserted that the petitioner continued to be governed under SRPF(Contributory) Rules till his retirement, and secured the benefit of Contributory Provident Fund under the said scheme. They have stated that he received the said benefit without any demur. In this background, we have to

decide as to whether the petitioner has established his case that he had exercised his option in favour of the pension scheme. It is not disputed that the petitioner would not be entitled to grant of pension unless he opted for the pension scheme. The burden of proving that/ ^{he exercised} the requisite option is on the petitioner. The petitioner has not produced any copy acknowledging the receipt of the copy of option exercised by him. He has also not produced copy of the exercise of option either. There is no circumstantial evidence also to support his claim in this behalf. On the contrary the respondents have asserted that the petitioner has received the Contributory Provident Fund under the SRPF(C) Rules without any demur. The petitioner has not made any averment in the Original Application about his having received the Contributory Provident Fund under the SRPF(C) Rules. There is no specific denial of the plea of respondents by the petitioner in this behalf. Hence, we have to proceed on the basis that the petitioner received the Contributory Provident Fund under the SRPF(C) Rules without any demur. As the burden is on him to establish his case that he is a pension optee, he not having placed any material before us, we have no hesitation in holding that the petitioner has not made out any case. Petition fails and is, therefore, dismissed. No costs.


(I.K. RASGOTRA)
MEMBER (A)


(V.S. MALIMATH)
CHAIRMAN