

K.L. Bala (App)

REGN. NO. O.A. 1124/87.

16.5.1988.

Present: Mrs. Pankaj Verma, counsel for the applicant.

Shri S.N. Sikka, counsel for the respondents.

*Y been listed*  
This application has ~~come up before us~~ for admission today.

2. The applicant, who retired from the Railway service on 1.7.1968, complains that he has not been allowed to exercise the option in favour of pension instead of compulsory provident fund. By letter dated 13.9.1968, issued by the Ministry of Railways, Railway servants who retired on or after 1.5.1968, were to be given another opportunity *of to opt* for the liberalised railway pension Rules including the benefit of the family pension scheme for Railway Employees, 1964, as amended from time to time. The applicant's case is that this letter of the Railway Ministry was never communicated to him and therefore, he could not exercise the option stated therein *Y H.C.* before this date specified, i.e. 31.12.1968. He now prays that he should be allowed the benefit of the Board's letter. He undertakes to repay the amount of the entire provident fund received by him in 1968 in return for pension and other benefits as from the ~~date~~ of his retirement.

3. Mrs. Pankaj Verma, learned counsel for the applicant submitted that this was a case of an old gentleman who was not aware of his right to exercise option in 1968 and that this Tribunal should given him the relief sought *for*.

4. Shri S.N. Sikka, learned counsel for the respondents, strongly opposes the claim made in the application and submits that the letter dated 13.9.1968 of the Railway Board was published in the Gazette and that the applicant should have been more diligent in


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pursuing his right. He submits that the matter is too stale to be considered by this Tribunal.


5. We have considered the matter very carefully.

In this connection, <sup>1 way</sup> we refer to the letter dated 23.8.1983 addressed by the then Minister of Railways to an M.P. in which reference is made to the claim of the applicant. At para 3.2 of the letter, the then Minister of Railways pointed out that the letter in question was published in the Railway gazette and the applicant had not taken advantage of the opportunity. Even this letter <sup>is</sup> dated 23.8.1983.

6. The applicant's claim cannot be considered and adjudicated upon by us <sup>at this stage</sup>. We find that another Bench of this Tribunal has condoned the delay in filing this application and has, therefore, in effect admitted this application though it has come up before us in the Cause List under 'Admission' matters. In view of this, we dismiss this application. Parties to bear their own costs.

  
(P. Srinivasan)  
Member

16/5/88

  
(G. Ramanujam)  
Vice-Chairman.