

(19)

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

D.A.No.2614/1992

New Delhi, this the 14th July, 1994.

HON'BLE SHRI P.T.THIRUVENGADAM, MEMBER (A).

Shri Champat son of Shri Pusa  
Retd. Vaccum Khalasi,  
Station Supdt's Office,  
N.R.Delhi Main, Delhi  
r/o 334, Bhera Colony,  
Delhi-110041.

..Applicant

(By Shri R.L.Sethi, Advocate)

Vs.

1. General Manager,  
N.Rly HQ., Baroda House,  
New Delhi.

2. The Divisional Railway Manager,  
N.Railway,  
New Delhi.

..Respondents

(By Shri H.K.Gangwani, Advocate)

ORDER (ORAL)

The applicant retired on 13-6-1981 and claims he had opted for pension well before retirement. In An.A4 to the D.A. which is a representation from the applicant to the Divisional Railway Manager, N.Rly. New Delhi, it has been brought out that his option form was correctly despatched by the office of the Station Superintendent, Delhi with an endorsement of SS Delhi dated 11-9-1981 alongwith those of others working at DLI main.

2. On his retirement the applicant had been paid the bonus amount of Rs.7182/- in 1982. From the An.A4 referred to above, it would be seen that the applicant has admitted that he was advised in March 1982 to deposit back the amount of bonus of Rs.7182/-. The applicant could not pay the amount immediately due to certain liabilities he had to discharge but could pay the amount on 11-11-88 in the station earning of the Chief Cashier Delhi.

3. After this the applicant had been requesting

for payment of pension but his request has still not been entertained. This D.A. has been filed for a direction to sanction pension from the date it became due and for payment of arrears of pension alongwith interest.

4. The learned counsel for the respondents referred to the reply filed and it was brought out that the applicant being a P.F. Optee opted for pensionary benefits, but at the same time he failed to deposit the requisite amount of bonus (Government's contribution to provident fund) and did not therefore complete the formalities required under the rules to become a pension optee. It is admitted by the respondents that the applicant deposited Rs.7182/- on 11-11-88 after a long delay of 6 years and 8 months with the sole intention of taking benefit of enhanced pensionary benefits which had increased greatly after the implementation of the recommendations of Fourth Pay Commission.

5. After hearing both the counsels, I note that it is not disputed that the applicant was allowed to come over to the pension scheme by letter dated March 1982 subject to his paying back the amount of bonus of Rs.7182/-. There is no reason to doubt the statement of the respondents that this amount had to be deposited within a month of the issue of the notice in March 1982. For certain reasons the applicant had not been able to deposit the amount within the stipulated period and approached the administration at a very late stage i.e. after a period of 6 years and 8 months. Such belated response disentitles his claim for pension and the D.A. deserves to be dismissed.

6. At this stage the learned counsel for the

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applicant pointed out that even the amount which had been deposited with the Administration is still not returned to the applicant and argued that this amount should be ordered to be returned to him with proper interest. This is a reasonable prayer and keeping in mind the period involved, I direct the respondents to refund the amount of Rs.7182/- with an interest of 10% per annum compounded annually for the period from 11-11-88 till the date of payment. The respondents are directed to make the payment within a period of three months failing which interest @ 12% will be payable to the applicant, beyond the 3 month period.

7. The O.A. is disposed of with the above directions.

No costs.

*P. T. Thiruvengadam*

(P.T.THIRUVENGADAM)  
Member(A)