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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI  
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D.A.No. 199/93.

Date of decision: 6.3.1995

Hon'ble Smt. Lakshmi Swaminathan, Member (Judicial)

Balbir Singh,  
R/o G-2, Naraji Nagar,  
New Delhi-20.

... Applicant

(Applicant in person)

versus:

1. General Manager,  
Northern Railway,  
Baroda House,  
New Delhi.

2. Financial Advisor and  
Chief Accounts Officer,  
Northern Railway,  
Baroda House,,  
New Delhi.

... Respondents

(By Advocate Shri R.L. Dhawan)

O\_R\_D\_E\_R (ORAL)

Hon'ble Smt. Lakshmi Swaminathan, Member (Judicial)

This D.A. has been filed by the applicant for grant of pension from the date of his retirement i.e. 7.1.1968 in pursuance of the judgment of this Tribunal in Ghansham Das & Others v. Chief Personnel Officer & Ors. in D.A. No. 27/87 (CAT - New Bombay Bench) dated 11.11.1987.

2. The brief facts of the case are that the applicant at the time of his retirement on 7.1.1968 as Block Inspector in Northern Railway, claims that he had given an option under the scheme notified by the Railway Board's letter dated 16.11.1957. He claims that he had submitted the relevant pension papers to the General Manager, Northern Railway (Respondent No. 1) but had been denied the benefits

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of pension. He had filed Civil Writ Petition in Delhi High Court in 1969 which was dismissed in 1971. Later, he filed an SLP No. 1285/86 in the Hon'ble Supreme Court. The Supreme Court, vide their orders dated 21.4.1989 and 18.9.1989 directed the respondents to pay a sum of Rs. 10,000/- (Rs. 5,000/- in each instalment) to the applicant.

3. The Supreme Court in Krishna Kumar v. UOI & Ors. and the connected Civil Writ Petition in Balbir Singh v. UOI (Judgment Today 1990 (3) SC 173) dismissed the Special Leave Petition in the judgment dated 13.7.1990. The applicant relies on the judgment of this Tribunal in O.A. No. 27/87 in which he claims that similarly situated persons had been given the relief of pension. According to the applicant, since the Hon'ble Supreme Court has given him an amount of Rs. 10,000/- in their orders dated 21.4.1989 and 18.9.1989, he is entitled to the pension, although he had retired on 7.1.1968. He has also referred to two other cases, namely (i) L.K. Dhawan and (ii) M.G. Chugh, whom he states have not opted for the scheme but were given the benefits of the pension scheme in pursuance of the judgment of the Hon'ble Supreme Court in Krishna Kumar's case.

4. The respondents have filed their reply and taken the following grounds -

(i) That the case is time barred and not maintainable under Section 21 of the Administrative Tribunals Act, 1985;

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(ii) that the applicant's claim that he had opted for the Pension Scheme in 1967 had been duly considered and rejected by the Delhi High Court in their judgment dated 26.7.1971 and hence the claim is also barred under the principles of resjudicata; and

(iii) The Hon'ble Supreme Court in the judgment in Krishna Kumar's case (Supra) had also considered the SLP filed by the applicant in C.W.No. 1285/86 and has also rejected the same and hence the claim is barred by principles of resjudicata.

5. I have heard the applicant in person in length as well as the learned counsel for the respondents and perused the records in the case. As seen from the brief facts narrated above, ~~that~~ <sup>13</sup> the applicant has been pursuing his claim for pension, from the date of his retirement on 7.1.1968, in a number of ~~Supreme~~ <sup>Courts</sup> and upto the Hon'ble Apex Court, which unfortunately for him has not been fruitful. The judgment of the Supreme Court in Krishna Kumar v. UOI & Others together with the applicant's C.W.No 1285/86 has been rejected by the Hon'ble Supreme Court. The judgment of the Supreme Court is as a result of SLP filed by the applicant against the judgment of the Delhi High Court dated 26.7.1971. The Delhi High Court judgment has discussed the claims of the applicant, with regard to his exercising the pension option, in detail and the High Court came to the following conclusion:-

" From the material on the record the claim of the petitioner that he had opted for pension is not made out."

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6. In view of the above facts, the judgment of this Tribunal in Ghansham Das v. UOI ( OA No. 27/87) will not assist the applicant, as he had neither retired during the period 1.4.69 to 14.7.1972 or given any option for pension at any time while in service. Besides, that case had been noticed by the Supreme Court in Krishna Kumar's case (supra at Para 37) and connected SLP of the applicant in CWP No. 1285/86 and the claim of the petitioner has been rejected by the Apex Court. This O.A. is, therefore, barred under the principles of res judicata, apart from being time barred and not maintainable under sections 20 and 21 of the Administrative Tribunals Act, 1985.

7. In the result the application is dismissed. No order as to costs.

*Lakshmi Swaminathan*  
(Lakshmi Swaminathan )  
Member(J)