

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH  
ALLAHABAD

(THIS THE 2 DAY OF 7 2009)

PRESENT

HON'BLE MR. A.K. GAUR, MEMBER-J

ORIGINAL APPLICATION NO. 1619 of 2005.  
(U/S 19, Administrative Tribunal Act, 1985)

Thomas Verghese, Son of Shri Thomas, C/o Shri M.B. Philips,  
125/4, Civil Lines, District Jhansi. (U.P.).

.....Applicant

By Advocate : Shri Ashok Kumar Jaiswal

Versus

1. Union of India, through Principal Secretary, Ministry of Railways Affairs, Government of India, New Delhi.
2. General Manager, North Central Railway, Allahabad North Central Railway Region, Allahabad (U.P.).
3. The Divisional Railway Manager, D.R.M Office, Jhansi.
4. Senior Personal Officer, North Central Railway, Jhansi.

.....Respondents

By Advocate : Shri P.N Rai

O R D E R

By means of this Original Application, the applicant has claimed pensionary and other retrial benefits. It is admitted case of the applicant that he resigned from service on 01.03.1979. His resignation was accepted by the Competent Authority on 3.3.1979. Photostat copy of the letter dated 3.3.1979 has been filed as Annexure 1. Applicant thereafter gave several representations for release of his pension and

✓

other retrial benefits but according to the applicant, respondents did not pay any heed to the same. Applicant has filed copy of representation dated 21.03.2005 addressed to the respondent No. 2 filed as Annexure 2.

2. The sole ground taken by the applicant is that he has already served the Railways for a long period of 18 years, 2 months and as such he is entitled to get the pension.

3. In the Counter Reply, respondents have raised a preliminary legal objection that O.A. is inordinately time barred and grievance of the applicant relates to much prior to coming into force of the Administrative Tribunal Act. The applicant has not filed any Delay Condonation Application in support of his Original Application. Original Application is covered under Sub Section (iii) of Section 21 of Administrative Tribunals Act. According to the respondents, no power has been given to the Tribunal to entertain a case which had arisen more than 3 years prior to the date of its assuming the jurisdiction. It is also submitted on behalf of the respondents that a time barred application cannot be considered on merit. It is settled principle of law that successive and repeated representations will not give cause of action for filing the Original Application. The applicant had resigned from service w.e.f. 03.03.1979 and as such he is not entitled for any

pensionary benefits due to a pension optee. Respondents have filed Annexure C.R -1, which deals with Manual of Railway Pension Rules, 1950. Para 311 of said Manual is reproduced below:-

*"311. Resignation from Service- No Pensionary benefits for compassionate grant (s) and/or allowances) may be granted to a Railway Servant who resigns from service.*

*Voluntary retirement from service after completing of 30 years' qualifying service etc. in terms of Para 620 or para 622 does not, however, constitute resignation within the meaning of these Rules"*

The representation of the applicant dated 15.10.2003 was duly replied vide letter dated 24.11.2003, it is clearly mentioned that the applicant had resigned from service w.e.f. 03.03.1979 hence he is not entitled for pension.

4. Learned counsel for the respondents has also filed supplementary counter reply. In supplementary counter reply, it is submitted that date of applicant's appointment is 10.01.1961 and not 10.06.1961, which was earlier inadvertently mentioned, nothing new has been added therein.

5. I have heard Shri Ashok Kumar Jaiswal, learned counsel for the applicant and Shri P.N Rai, learned counsel for the respondents and perused para 311 of the Manual of Railway Pension Rules, 1950, which clearly stipulates that no pensionary benefits will be granted to a Railways Servant who has resigned from service.

6. I have carefully perused the letters dated 24.11.2003 and 11.4.2005 (Annexure CR 2 and CR 3) addressed to the applicant. The grievance of the applicant has already been considered by the Pension Adalat held in December 2003 and also vide letter dated 11.4.2005, wherein it is clearly observed that since the applicant has already resigned from service w.e.f 3.3.1979, he is not entitled to get pensionary benefits. In the case of resignation, the employee is only entitled to get P.F. G.I.S etc., which has already been given to the applicant. The applicant has already been intimated vide letter dated 24.11.2003 in this regard.

7. Having given my thoughtful consideration to the plea advanced by the learned counsel for the parties, I am not satisfied that applicant has failed to make out any case warranting interference by this Tribunal. O.A is accordingly dismissed.

No costs.

*De Gan*  
Member (J)

Manish/-