

**CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH  
(THROUGH VIDEO CONFERENCING)**

Original Application No. 332/00109/2021

**Dated: 22.07.2021**

**HON'BLE MR. A MUKHOPADHAYA, MEMBER (A)**

Brijesh Kumar Tiwari, aged about 40 years,  
S/o Late Shri B.N. Tiwari, R/o 554 KA/281 A, Arjun  
Nagar, Alambagh, Lucknow



...Applicant

For Applicant: Shri Praveen Kumar

Versus

1. Union of India, through the General Manager, Northern Railway, Baroda House, New Delhi.
2. The Sr. Divisional Commercial Manager, Northern Railway, Hazratganj, Lucknow.
3. The Divisional Railway Manager, Northern Railway, Hazratganj, Lucknow.
4. The Sr. Divisional Finance Manager, Northern Railway, Hazratganj Lucknow

For Respondents: Ms. Prayagmati Gupta

## ORDER (ORAL)

**BY HON'BLE MR. A MUKHOPADHAYA, MEMBER (A)**

At the outset, learned counsel for the applicant, Shri Praveen Kumar, submitted that the applicant, who was a candidate for appointment on compassionate grounds, received a medical certificate for fitness for appointment under the category at B-2 and below on 17.9.2002; (Annexure-A-5). However, as they were reportedly no vacancies in the respondent department at the time, his appointment finally took place on 10.5.2004, (Annexure-A-6). Learned counsel for the applicant pleaded that, in his view, in the facts and circumstances of the case, this matter is covered by the respondents' own RBE circular No. 28/2020 dated 03.03.2020 which allows the applicant to opt for the Old Pension Scheme, (OPS) instead of being covered under New Pension Scheme (NPS) and accordingly, the applicant had given an option for being covered under the OPS on 06.05.2020; (Annexure-A-8). Shri

Kumar further submitted that the option given by the applicant along with accompanying affidavit/representation dated 06.05.2020, (Annexure A-8), had not been decided till date by the respondents. Learned counsel for the applicant submitted that in view of these facts and circumstances, he would be satisfied if a direction is given to the respondents to decide the applicant's representation dated 06.05.2020 along with the option submitted with this representation; (Annexure A-8).



2. At this, Ms. Prayagmati Gupta, learned counsel for the respondents, submitted that if a decision is to be taken on the representation and option given by the applicant in the manner suggested, a period of at least one month may be allowed for the same.

3. Looking to the aforementioned circumstances and the limited nature of the plea made by the learned counsel for the applicant, I deem it

appropriate, without entering into the merits of the case, to dispose of this O.A. at the stage of admission itself by directing the respondents to consider and decide the representation and option given to them by the applicant on 06.05.2020, (Annexure- A-8), and dispose of the same by way of a reasoned and speaking order in accordance with law within a period of one month from the date of receipt of a certified copy of this order.



4. OA is disposed of accordingly.
5. There will be no order as to costs.

**(A.MUKHOPADHAYA)**  
**MEMBER (A)**