

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

.....

(Registration T.A. No. 426 of 1986)

J.N. Saxena.....,Applicant

vs.

Union of India & Others.....,Respondents

Hon'ble Mr. Justice U.C.Srivastava, V.C.
Hon'ble Mr. A.B. Gorthi, Member (A)

(By Hon. Mr. Justice, U.C. Srivastava V.C.)

The applicant entered into service in the year 1945 in the then East Indian Railway as Train Examiner and was retired on 31.5.1981. When he joined the service in the year 1945 there were no provisions of pension in the then East Indian Railway. According to the applicant on coming to know of the pension, he applied for pension on 12.8.1980. It appears that the said forms were either misplaced or were not forwarded to the Divisional Railway Manager. The applicant submitted his forms again on 15.1.1981 that is some 5 months prior to the date of his retirement i.e. 1.6.1981. On 18.6.1981 he was offered a cheque for Rs. 30,299/- on account of provident fund instead of pension. He did not accept the same and again approached the Northern Railway by a letter to D.R.M.N.Rly, Allahabad, but his case was ignored. The applicant thus approached this Tribunal, claiming for pensionary benefit.

2. The Railway Administration has stated that the applicant had never submitted any form exercising his option for pensionary benefit. It is stated by the Railway Authority that an application was filed by the applicant on 17.9.1981 to the Divisional Railway Manager, Northern Railway, Allahabad, regarding his option of

pension or refund of the said amount i.e. Rs. 30,299/- for provident fund. It has been stated by the respondents that the contention of the applicant was not correct.

3. The applicant filed a Rejoinder affidavit which indicates that the applicant had excercised his option for the pension in place of provident fund, and the applicant was entitled to pensionary benefit. In view of the observations made by the full Bench of Supreme Court in Krishan Kumar Vs. Union of India & Others, 1991 Supreme Court cases (L&S) 112. In which a liberalised formula and slab system for calculation of pension effective from March 31, 1979 was notified by Railway Board on June 1, 1979. Accordingly, orders were issued on 23rd August, 1979 allowing pension option to those Railway employees who were in service on 31st March, 1979. This option was initially open till February 22, 1980 but was extended subsequently to enable wider participation up to February 22, 1981.

4. With the above observations the respondents are directed to grant the pensionary benefit to the applicant within a period of 3 months from the date of this order and thereafter pay him pension regularly and arrears, if he is entitled to the same. No order as to costs.

Pranay 25
Member (A)

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Vice-Chairman.

13th September, 1991.

(sph)