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OPEN COURT

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

* * *

Allahabad : Dated this 28th day of August, 1997

Original Application No.194 of 1993

District : Hamirpur

CORAM :-

Hon'ble Mr. S. Das Gupta, A.M.

Hon'ble Mr. D.C. Verma, J.M.

Kashi Ram Son of Mathura,
Resident of Mohalla Badanpur,
Town & District Hamirpur.

(By Sri SC Srivastava, Advocate)

. Applicant

Versus

1. Union of India through General Manager
Central Railway, Bombay V.T.
2. Divisional Railway Manager,
Central Railway,
Jhansi.
3. Assistant Engineer, Central Railway at Kanpur.
4. Public Way Inspector, Central Railway,
Railway Station, Bharwa Sumedpur
Distt-Hamirpur.

(By Sri Prashant Mathur, Advocate)

. Respondents

O R D E R (Ora-1)

By Hon'ble Mr. S. Das Gupta, A.M.

The applicant in this OA filed under Section 19 of the Administrative Trib-unals Act, 1985, has prayed that the respondents be directed to grant him pensionary benefits with effect from the date of his retirement,

2. The applicant has stated in the OA that he retired from service w.e.f. 1-9- 1985 and was paid a total sum of Rs.36,670.65 P towards final settlement and he has no knowledge regarding the ~~accountal~~ and item-wise description of the payment made. He, therefore, tried to find out the particulars and then came to know that he had not been treated as a pensioner and also not

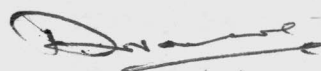
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included in the family pension scheme. On representation, he was ^{asked to} executed ^{an} option form which he did and yet no pension was paid to him. Hence, this application.

3. The respondents have specifically stated ⁱⁿ the CA that the applicant had himself opted for SRPF and not for the pension scheme and, therefore, he was not entitled to pension. The applicant has not filed any RA to controvert this contention of the respondents. When the case was called out, none appeared for him to advance any argument.

4. The respondents have specifically denied ~~in~~ Para 9 of the application in which a statement has been made regarding execution of option form. In any case, we have found that the option ^form was signed on 30-11-1985 i.e. two months after the applicant had retired. Any option for pension or otherwise has to be executed while an employee is in service and if he has retired from service, there is no scope available for ^{exercising} giving the option for pension or any other scheme of terminal ^benefits unless there is a specific rule giving dispensation to those who have retired from service ~~but~~ The applicant has not mentioned any rule under which he had opted for pension after the retirement.

5. In view of the above, we see no merit in this case. The OA is dismissed accordingly leaving the parties to bear their own costs.


Member (J)


Member (A)

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