

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

(8)

Original Application No. 542 of 1994

Allahabad this the 27th day of September, 1999

Hon'ble Mr. S. K. I. Naqvi, Member (J)

Pancham son of Late Prayag, resident of village
Revsa, P.O. Janasa Ki Madai, District Varanasi,
Ex.T.T.Khalasi under Loco Foreman, E. Railway,
Mugalsarai.

Applicant (Before substitution)

1. Smt. Anupa aged about 65 years, w/o Late Pancham.
2. Sri Lal Barat, aged about 50 years,
3. Sri Lalta, aged about 40 years.
4. Sri Ram Kirpa, aged about 33 years
5. Sri Ram Bilash, aged about 25 years,
all sons of Late Pancham, all R/o
of Village Revsa, P.O.Jansa Ki Madai,
District Varanasi.

Advocate Shri M.W. Siddiqui Applicants (After substitution)

Versus

1. Union of India through Chairman, Railway Board
Baroda House, New Delhi.
2. Divisional Railway Manager, Eastern Railway
Mogalsarai.
3. Divisional Accounts Officer, Eastern Railway,
Mogalsarai.

S. C. Naqvi

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4. Office Supdt., Pension Section Office of D.R.M. Eastern Railway, Mogal Sarai.
5. Office Supdt. Pay Bill Section, Office of D.R.M. Eastern Railway Mogal Sarai.

Respondents

By Advocate Shri A.K. Gaur.

ORDER (Oral)

By Hon'ble Mr. S.K.I. Naqvi, Member (J)

Shri Pancham, son of Late Prayag filed this O.A. under section 19 of the Administrative Tribunals Act, 1985 to direct the respondents no. 1 to 5 to prepare the pension papers of the applicant and to pay family pension according to law. Shri Pancham died during the pendency and substituted by his widow and son^s who are prosecuting the present matter.

2. As per applicant's case, he joined as T.I. Khalasi under Loco Foreman, Mughalsarai and retired on superannuation on 31st December, 1984. He has mentioned that as per the Railway Board's letter dated 03rd March, 1979, a railway employee had option to choose for pension scheme in place of provident fund scheme and the applicant submitted his option on 10th December, 1984, opting for pension but on retirement no pension has been fixed and in lieu thereof provident fund was given to him which fixation of he accepted under protest, now he claims for pension

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and payment accordingly.

3. The respondents have controverted the claim with the mention that the applicant never communicated to the respondents that he opted for pension in lieu of provident fund.

4. The applicant reiterated his claim in the rejoinder. Heard, the learned counsel the applicant as well as the respondents. Perused the ~~whole~~ record.

5. Whether the applicant opted for pension in lieu of provident fund and submitted the duly filled option form,? is the short question to be decided in this matter.

6. The applicant has mentioned the fact in his application and filed annexure-2 to the application as copy of the option form but he has failed to mention or give any documentary proof to show that his option form was actually ^{given and} communicated to the respondents. It is not in dispute that the applicant has withdrawn the amount of provident fund, though under protest.

7. The applicant has failed to discharge the burden to bring on record that the allege option form ^{given and} was actually communicated to the respondents and thereby the relief sought cannot be allowed. The O.A. is dismissed accordingly. No order as to cost.

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Member (J)

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