

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 3rd DAY OF MARCH, 2003

Original Application No. 1420 of 1999

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI, V.C.

Lakhi Chand, Ex. Cabin Man  
Bhatni Junction, R/o Village  
Nonad Pandey, post Kothilwa,  
district Deoria(UP)

... Applicant

Versus

1. General Manager, North Eastern Railway, Gorakhpur.
2. Divisional Railway Manager North Eastern Railway, Varanasi.
3. Divisional Railway Manager(Works) N.E.Railway, Varanasi.
4. Divisional Accounts Officer, N.E.Railway, Varanasi.

... Respondents

(By Adv: Shri G.P.Agrawal)

O R D E R (Oral)

JUSTICE R.R.K.TRIVEDI, V.C.

The facts of the case are that applicant Lakhi Chand, son of Indra Dev retired from service as Cabinman on 31.7.1984. As he was not a pension optee, he was not paid pension though other retiral benefits were paid to him.

There was another employee of the name Lakhi Chand, son of Mallu. He also retired from service on 30.9.1984. He was appointed on 8.11.1955 and his date of birth was 7.2.1926. This Lakhi Chand, son of Mallu had opted for pension scheme, therefore, pension was fixed in his name. However, on account of clerical error <sup>in some documents</sup> of Lakhi Chand, son of Mallu ~~was~~ sent to the address of Lakhi Chand son of Indra Dev. Taking advantage of this mistake

applicant filed this OA for a direction to the respondents to pay pension to the applicant with other dues w.e.f. 31.7.1984. I have perused the original record of both Lakhi Chand, son of Indra Dev who retired on 31.7.1984 and Lakhi chand son of Mallu who retired on 30.9.1984. From 'B' Card available on record it is clear that applicant Lakhi chand son of Mallu 'Gond' opted for pension vide option dated 9.2.1983, whereas the 'B' card available on the service record of the applicant there is no such endorsement that he ever opted for being included in pension scheme. From the perusal of the aforesaid documents in respect of the two persons it is clear that the applicant was not entitled for the pension. At this juncture, it is also relevant to mention that in respect of non payment of the pension to applicant, an inquiry was made by some officer known as Santraj. He submitted his report on 26.7.1984. On inquiry he found that employee Lakhi Chand son of Mallu immediately after retirement from service on 30.9.1984 started receiving pension from Bankatta post office of district Deoria. He had retired from North Eastern railway. His pass book account no. was 791168 and new account was P 16023. However, the applicant though retired on 31.7.1984 was not paid any pension, he started claiming pension only after the paper was received by him under mistake. he filed this OA on 19.11.1999 i.e. after more than 15 years of his retirement. All these circumstances indicate that applicant was rightly not given pension and he is not entitled for the same.

The OA has no merit and is dismissed accordingly. No order as to costs.

  
VICE CHAIRMAN

Dated: 3rd March, 2003