

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Dated this the ¹⁶..... day of ...August 2010

CORAM:HON'BLE MRS. MANJULIKA GAUTAM, MEMBER (A)

Original Application No. 676 of 2007
(U/s 19 of the Administrative Tribunals Act 1985)

Keshav Das Gupta,
S/o Late Nathu Ram Gupta,
Aged 73 years, r/o 57, Abbott Gang,
Behind Shyam Palace, Jhansi. ... Applicant

By Adv: Sri O.P.Gupta

V E R S U S

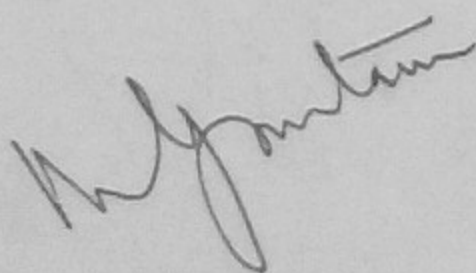
1. Union of India through General Manager,
North Central Railway, Allahabad.
2. Divisional Railway Manager,
North Central Railway, Jhansi.
3. Secretary, Ministry of Personnel,
Public Grievances & Pension,
Govt. of India, New Delhi. ... Respondents

By Adv: Shri P.N. Rai

ORDER

HON'BLE MRS. MANJULIKA GAUTAM, MEMBER (A)

The applicant joined Railway Service as Stenographer on 8.5.1954. After completion of 20 years of service he sought permission to resign to join as Lecturer in Bundelkhand Degree College, Jhansi, on 9.8.1974. He made a representation for grant of pension from the Railways as he had completed 20 years qualifying service, but it was rejected vide order dated 8.12.95 on the ground that, he had resigned from Railway service, there



was no provision for grant of pension. The applicant continued to agitate the matter and wrote to the Secretary, Ministry of Personnel, Public Grievances and Pension, but there also his claim was rejected vide letter dated 16.2.2000. Finally he moved the Pension Adalat, but there also his request was turned down vide order dated 18.5.2007. Aggrieved by this he has filed the present O.A. claiming the following reliefs:

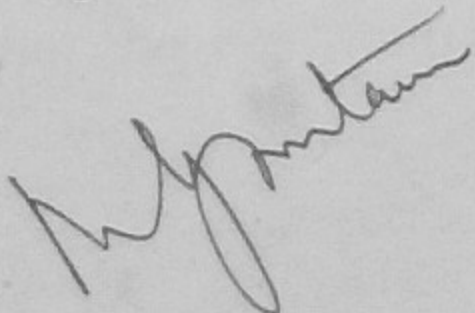
It is prayed before the Hon'ble Tribunal to be pleased to quash the rejection orders dated 18.5.2007 (Ann. A-3), 16.2.2000 (Ann. A4) and 8.12.1995 (Ann. A-5).

Hon'ble Tribunal may further be pleased to declare that applicant is entitled to get pension and other retiral benefits from the date of retirement, treating him retired employee of the railway.

Hon'ble Tribunal may also be pleased to direct the respondents to treat his 20 yeas regular service as qualifying service for the purposes of ranting pension and pay the same from the date of retirement from railway and also to pay him all retrial benefits alongwith interest.

The case of the applicant is that, according to the Master Circular issued by the Railway Board on Pension Scheme of Railways and retirement benefits it is clearly provided that, resignation from Railway Services with a view to join the Public Sector Undertakings or autonomous bodies shall be treated as deemed retirement. Similar provisions also existed in the Railway Servants (Pension) Rules 1993.

In the counter affidavit filed by the respondents it has been stated that this O.A. is highly time-barred and deserves to be dismissed.



Respondents have stated that the applicant worked in the Railways between 8.5.1954 to 9.8.1974 but he did not opt for pension but opted for SRPF. Therefore at the time of his resignation from the Railways he was given an amount of Rs. 6637/- as SRPF. In support, they have filed Manual of Railway (Pension) Rules 1950. Rule 311 of which reads as follows:

311. Resignation from service.—No pensionary benefit (or compassionate grants), and/ or allowances) may be granted to a Railway servant who resigned from service.

They have also filed a copy of option form filled by the applicant, according to which, he had opted for SRPF Rules. The counter affidavit also clarifies that, since the applicant has resigned from the Railways in 1974, he was covered by Pension Rules 1950, and not by Railway Servants(Pension) Rules 1993, as claimed by the applicant.

In the rejoinder affidavit filed by the applicant he has stated that, he is ready to return the SRPF amount of Rs.6637/- in case pension is granted to him or the same amount may be adjusted while paying arrears of pension.

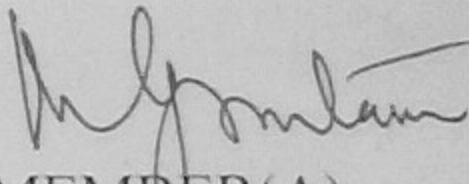
The respondents have filed supplementary counter affidavit reiterating the same facts.

I have heard both counsel and perused the records on file. It is clearly seen that the applicant had, during the period of his railway

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service, not opted for pension but for SRPF. It is only later after resigning from the Railways that he has started claiming for pension.

In view of the option exercised by him in writing there is no merit in the claim made by the applicant for grant of pension. O.A. is accordingly dismissed on account of being devoid of merit. No order as to costs.


MEMBER(A)