IN THE CENTRAL ADMINISTRATIVE TRIAUNAL
AHMEDABAD BENCH

O.A. No. 323/90
~~T.A. No.~~

DATE OF DECISION 24.6.1992

Shri Balwantray B. Bhagat	Petitioner
Mr. M.S. Pandya	Advocate for the Petitioner(s)
Versus	
The Union of India & Ors.	Respondent
Mr. B.R. Kyada	Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. R.C. Bhatt : Member (J)

The Hon'ble Mr.

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

Shri Balwantray B. Bhagat   ..... Applicant

    Vs.

1.   The Union of India,
    Through:
    The General Manager,
    Western Railway,
    Churchgate,
    Bombay.

2.   The D.R.M.,
    Western Railway,
    Kothi Compound,
    Rajkot Division,
    Rajkot.   ..... Respondents

ORAL JUDGMENT

O.A. No. 325 of 1990

Date: 24.6.1992.

Per: Hon'ble Mr. R.C. Bhatt   : Member (J)

1.   None present for the applicant. Mr. Kyada learned advocate for the respondents is present.

2.   This application is filed by the applicant who retired as Driver Grade 'A' from Loco-shed, Sabarmati on 30th January, 1967. He has prayed in this application that the option for coming over to the pension scheme from that of the SRPF Scheme be granted from the date of retirement i.e. on and from 30th January, 1967. As none is present for the applicant and Mr. Kyada learned advocate for the respondents is present, the matter is disposed of

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on merits after going through the record also hearing

Mr. Kyada.

3.   The applicant has alleged in the application
that at the time of the retirement the Pension Scheme
was introduced and employees then in service were given
opportunity to come over to the pension scheme from that
of SRPF Scheme from time to time but such an opportunity
was not available to him when he retired. He has alleged
that during that period, the option was closed and
subsequently it was reopened. According to him, no
option was available to the employees for the period
between 1st July, 1966 to 30th April, 1968. He has alleged
that the action on the part of the respondents with-
holding an opportunity of exercising option during this
period was arbitrary and un-reasonable. He has relied
on the Judgment in application No. 27/86 decided by the
New Bombay Bench on 11th November, 1987 in the case of
Shri Ganesh Das and Others Vs. Union of India and Ors.
Reliance is also placed in the decision in O.A. 123/86
decided by CAT Jodhpur Bench on 1st March, 1989 in the
case of Shri Hariram Kashyap Vs. Union of India. No reply
is filed by the respondents.

4.   The applicant had also filed representation
on 4th May, 1989 and further notice was also given to

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the respondents on 28th May, 1989, but by letter dated

28th June, 1989 addressed to the applicant by the respondents

his claim for pension was not admitted. Having heard learned

advocate Mr. Kyada for the respondents and having perused

the record, I hold that the respondents have without

considering the legal point of eligibility of applicant

for option rejected applicants' claim as per letter dated

28th June, 1989. The respondents ought to have considered

the legal effect of the decision given by the New Bombay

Bench and Jodhpur Bench of CAT referred to in the appli-

cation by the applicant. Thus it is just and legal to direct

the respondent No. 1 and 2 to consider the claim of the

applicant according to law.

O R D E R

The application is partly allowed. The respon-
dents are directed to consider the claim of
the applicant regarding his option for coming
over to the pension scheme from that of SRPF
Scheme and if he found entitled to that option
his claim be settled. It will be open to the
applicant to supply information required by
respondents for the said purpose. The respon-
dents to DECIDE the claim of the applicant
within FOUR MONTHS from the RECEIPT of this
ORDER. Application is disposed of. No order
as to costs.

(R.C. Bhatt)
Member (J)

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