

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. No. 372 OF 1993.

~~P.A. No.~~

DATE OF DECISION 3-3-1994

Mr. P.K. Bhatt, Petitioner

Applicant-in-person ~~Advocate for the Petitioner(s)~~

Versus

Union of India & Ors. Respondents

Mr. N.S. Shevde, Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. V. Radhakrishnan, Admn. Member.

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 ?

No

Mr. B.K. Bhatt
Residing at
Vidhwans Wada,
Bhalerao Tekara,
Pratap Road, Raopura,
Baroda - 390 001.

..... Applicant.

(Applicant-in-person)

Versus.

1. Union of India, through
Western Railway
General Manager,
Churchgate, Bombay.
2. Divisional Railway Manager,
Western Railway,
Divisional Office,
Pratapnagar, Baroda.

..... Respondents.

(Advocate: Mr. N.S. Shevde)

ORAL ORDER

O.A.No. 372 OF 1993

Date: 3-3-1994.

Per: Hon'ble Mr. V. Radhakrishnan, Admn. Member.

Heard Mr.P.K. Bhatt, applicant-in-person ~~and~~
and Mr. N.S.Shevde, learned advocate for the
respondents.


2. This is second Original Application filed by
the applicant praying for settlement of his retiral
benefits as per the pension scheme. The earlier

O.A. 445/89 this Tribunal had passed order as follows:


"The respondent No.2 or the Competent Authority
entitled to decide such case to pass order
considering the letters on record including
Annexure A/6 keeping in mind the circular dated
4th August, 1987, Annexure A/4 and if according
to that circular the applicant is entitled to

get the benefit of pension scheme, the appropriate order be passed in his favour. The application thus is partly allowed and disposed of accordingly with no order as to costs. If the applicant feels aggrieved by ultimately order of the respondents, he would be entitled to approach this Tribunal."

3. Based on the above judgment the Divisional Office Baroda communicated the speaking order of the DRM Baroda vide his letter dated 29-4-93 which is now under challenge. As observed by this Tribunal in its order dated 11.6.92 the applicant vide letter dated 18.8.87 had opted for continuation in the SRPF scheme. The contention of the applicant has been that he had given that option before coming to know about the Western Railway's circular No. EP/789/0 Vol.III dated 4.8.1987, Annexure A-7, with M.A.No.115/94, originally Annexure A-6 of O.A. 440/90. After coming to know of the circular he had revoked his earlier option for SRPF and opted for pension vide his letter dated 25.9.1987. The applicant also stated that he had accepted the SRPF settlement under protest vide his endorsement on the note dated 2.3.90, Sr.No.6 of M.A. 115/94. The question to be examined by the DRM is whether the applicant could be considered to have been brought under the pension scheme as per circular of 4.8.1987 as he had revoked his letter for SRPF dated 18.8.1987 by his subsequent letter dated 25.9.1987 which was within the



time limit of 30.9.1987 prescribed by the circular dated 4.8.1987, Annexure A-4. The Tribunal has recorded in its order dated 11.6.92 that the applicant's letter dated 25.9.1987 was found in the records of the respondent Railway's. Accordingly the speaking order of DRM, BRC No.E/351/CC-232-OA445/89 communicated vide letter/dated 29.4.1993, Ann. A-2 is quashed and set aside and the papers are remanded back to him for reconsideration of the matter regarding the applicant's entitlement for pension scheme within a period of three months from the date of the receipt of this order. Incidentally it is pointed out that the applicant has affirmed in his application that he is prepared to refund the entire amount of SRPF received by him along with interest, if any, as per rules if he is granted pensionary benefits. With the above direction application stands disposed of. In case the applicant again feels aggrieved by the fresh order of the DRM he is at liberty to approach the Tribunal if so advised. No order as to costs.


(V. Radhakrishnan)
Member(A)

vtc.

CENTRAL ADMINISTRATIVE TRIBUNAL
Ahmedabad Bench

Application No. 04/372/93 of 19

Transfer Application No. _____ Old W.Pett No.
CERTIFICATE

Certified that no further action is required to be
taken and the case is fit for consignment to the Record
Room (Decided)

Dated : 06/04/94

Countersigned :

AN. Sewal
Section Officer/Court officer

caeloj
Signature of the Dealing
Assistant

CAUSE TITLE.....041372193.....OF 198

NAMES OF THE PARTIES.....MR P. K. Bhatt

U. 6-1-204

[illegible]