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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK

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Original Application No. 57 of 1992

Date of Decision: August 28, 1992.

Abinash Chandra Sahoo Applicant

Versus

Union of India & Others Respondents

For the applicant

Mr. J. Gupta,  
Advocate

For the respondents

Mr. D. N. Mishra,  
Standing Counsel  
(Rly. Administration)

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C O R A M

THE HONOURABLE MR. K. P. ACHARYA, VICE-CHAIRMAN

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1. Whether the reporters of local newspapers may be allowed to see the judgment ? Yes
2. To be referred to reporters or not ? No
3. Whether His Lordship wishes to see the fair copy of the judgment ? Yes

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JUDGMENT

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MR.K.P.ACHARYA, VICE-CHAIRMAN, In this application under Section 19 of the Administrative Tribunals Act, 1985, the petitioner prays for a direction to the opposite parties to disburse the pension of the petitioner as per the pension scheme.

2. Shortly stated the case of the petitioner is that the petitioner joined ~~the~~ Railway service in the year 1941 and was untilaterly promoted to the post of Station Master. The petitioner retired on superannuation as Station Master, South Eastern Railway, Bilaspur Division with effect from 13.5.1977, availing Contributory Provident Fund Scheme. The railway authorities asked for option from the employees who intended to switch over to the pension scheme. The case of the petitioner is that due to old age he could not know about this circular and <sup>by</sup> the time when it came to the knowledge of the petitioner, he had made an application addressed to Opposite Party No.2, which was not replied to and again on 17.1.1992, the petitioner submitted another representation which is still pending consideration. Hence this application has been filed with the aforesaid prayer.

3. In their counter the opposite parties maintain that the case is grossly barred by limitation, in view of the fact that time was extended till 1979 to give option for the pension scheme and such circulars were issued to all Station Masters and the petitioner while discharging his duty as Station Master, all the circulars must have come to his knowledge. He did not give any option and on the contrary received all the retirement benefits due to him under the Contributory Provident Fund Scheme.

At this belated stage the application should not be allowed.

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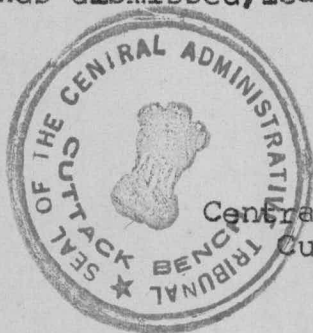
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4. I have heard Mr.J.Gupta, learned counsel for the petitioner and Mr.D.N.Mishra, learned Standing Counsel for the Railway Administration.

5. Mr.Mishra contended that the case is grossly barred by limitation and should not be allowed at this belated stage, especially keeping view that the petitioner was well aware of the circulars issued at different ~~intervals~~ as those circulars were sent to all Station Masters for giving wide publicity. The petitioner not having availed such opportunity, the case is liable to be dismissed.

6. On the other hand Mr.J.Gupta, learned counsel for the petitioner submitted that <sup>petitioner</sup> ~~the~~ was not aware of the circulars issued by the Railway authorities. I am unable to accept this submission, specially in view of the fact that the petitioner had admittedly served as Station Master and circulars asking for option could not have remained beyond the knowledge of the petitioner. Therefore I find there is substantial force in the contention of Mr.D.N.Mishra that not only the case is grossly barred by limitation, but no inteference is warranted at this belated stage. Therefore I find no merit in this case stands ~~dis~~missed, leaving the parties to bear their own costs.



*[Signature]*  
28/8/92  
VICE-CHAIRMAN

Central Administrative Tribunal  
Cuttack Bench, Cuttack  
August 28, 1992 /BKSahoo