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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
JODHPUR BENCH, JODHPUR

O.A. No. 488/95  
T.A. No.

199

DATE OF DECISION 9.1.1996.

Keshu Ram Petitioner

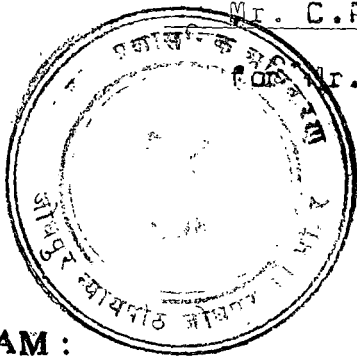
Mr. K.S. Chauhan, Advocate for the Petitioner (s)

Versus

Union of India & Ors. Respondent

Mr. C.P. Parihar, Brief holder Advocate for the Respondent (s)

Mr. S.S. Vyas.



CORAM :

The Hon'ble Mr. N.K. Verma, Member (Administrative)

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? *Yes*
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 ? *✓*

*N.K. Verma*  
(N.K. VERMA)  
Member (A)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
JODHPUR BENCH: JODHPUR.

OA No. 488/95 Date of order : 9.1.1996

Keshu Ram ... Applicant.

versus

Union of India & Ors. ... Respondents.

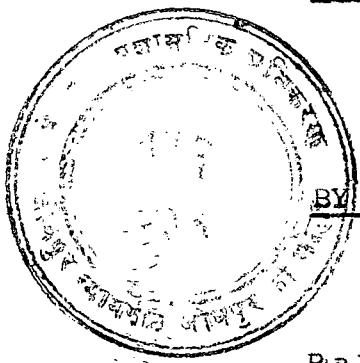
Mr. K.S. Chouhan, Counsel for the applicant.

Mr. C.P. Parihar, Brief holder for Mr. S.S. Vyas,  
Counsel for the respondents.

CORAM:

Hon'ble Mr. N.K. Verma, Member (Administrative)

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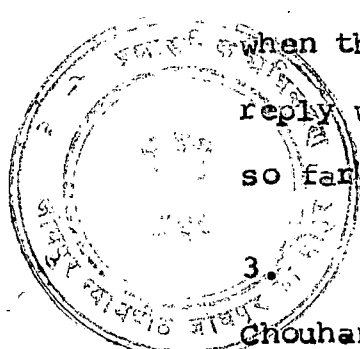
BY THE COURT

This is an OA filed by an employee of the Railways, Keshu Ram, who retired on 15.3.1969 from the Railways as Assistant Signal Inspector. The employee had at that time not opted for the pension scheme which came into force in 1968 for which a circular was issued by the Railway Board on 31.1.1969 saying that all those who have not exercised their option till 31.12.1968 could extend the option upto 31.3.1969. The applicant has now come up with an affidavit dated 19.9.80 that he had filed his option before the concerned Clerk and he was given an assurance that his pension matter will be decided as per the option tendered by him. Thereafter, at Annexure A/5

*He*

dated 27.9.92, the Signal Inspector has addressed a letter to the Divisional Personnel Officer, Jodhpur, stating that Keshu Ram had opted for pension prior to his retirement and his option form was forwarded to the D.P.O. by that Signal Inspector. However, the Railway respondents had not replied to that letter. The Signal Inspector, however, says in the concluding sentence of this letter that the records of 1969 are not available. Thereafter, a lawyer's notice was issued on the respondents on 13.7.95.

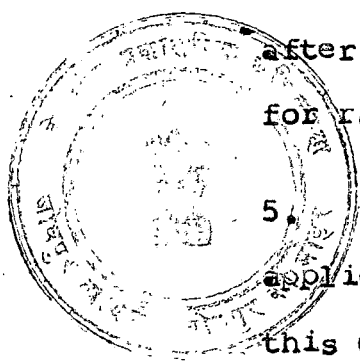
2. This matter came for admission on 21.11.1995 when the notices were issued to the respondents for reply within 6 weeks. The respondents have not replied so far.



3. While hearing the matter for admission, Shri Chouhan brought to my notice a judgement of the Hon'ble Supreme Court cited at AIR 1995 SC 983 in the case of R. Subramaniam vs. Chief Personnel Officer, Central Railway, wherein Hon'ble Apex Court upheld the order of the Central Administrative Tribunal, Bombay by saying that the option exercised by the applicant in that OA even after his retirement in 1971 was considered valid and the Apex Court gave a direction that his option could be accepted by the respondents provided he deposits the entire amount which he received in lieu of the Provident Fund System within three months from the date the Government accepts the option of the petitioner.

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4. In this matter, there is absolutely no proof that the petitioner had at any time exercised his option except the affidavit shown by him in 1980 followed by a letter of the Signal Inspector to the D.P.O. Thereafter,  a lawyer's notice was sent to the respondents for reply.



5. I find that the entire procedure adopted by the applicant is totally irregular and out of context for this OA. If he had a mind for his option <sup>being</sup> registered with the respondents, he could have moved the matter much before 1980 when the affidavit was registered by him before the Authority. The reason why he had not filed the affidavit before the appropriate authority at the relevant time has also not explained. The Railways respondents could have been addressed in the matter apart from filing of the affidavit ~~and the~~ applicant should have persisted with them in getting his option registered and reply thereto from the respondents.

6. The OA is, therefore, not maintainable in view of the fact that the departmental remedy available to the applicant has not been exhausted. OA is disposed of as premature at this stage and is dismissed at admission stage itself.

*N.K. Verma*  
( N.K. VERMA )

cvr.