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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH,
J_O_D_H_P_U_R.

Date of Order : 25.4.2000.

O.A. No.89/1997

Som Dutt Harsh Son of Shri Haridas Harsh Resident of
Lodo Ki Gali, Jodhpur-Ex Boiler Attendant, Ticket No.462,
Shop No.4, Workshop, Northern Railway, Jodhpur.

... Applicant

vs



1. The Union of India through its General Manager, Northern Railway, Baroda House, New Delhi.
2. The General Manager, Northern Railway, Baroda House, New Delhi.
3. The Divisional Railway Manager, Northern Railway, Jodhpur.
4. The Deputy Chief Mechanical Engineer, Northern Railway, Jodhpur.

... Respondents

Mr. G.K. Vyas, Counsel for the Applicant

Mr. Vineet Mathur, Counsel for the Respondents.

CORAM :

Hon'ble Mr. Justice B.S. Raikote, Vice Chairman

BY THE COURT :

This application is filed for a direction to extend proportionate pension benefit in favour of the applicant in terms of the judgement passed by the Jabalpur Bench of the Tribunal in OA No.623/91-1996, decided on 13.10.1996. The applicant has also prayed for a direction to decide the representation of the applicant and grant him pensionary benefit.

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2. In the application, it is stated that the applicant resigned from the post which he was occupying in the year 1969 and under the 1957 Pension Scheme, he was either to opt for pension, family pension and P.F. In 1969, he applied for P.F. But in 1974, there was further amendment to the Scheme and under the amended Scheme, he could change his option. Therefore thereafter he made a representation to the concerned authorities and they issued an endorsement dated 11.7.1988 vide Annexure A/1 stating that his matter was under consideration. So, he prayed for a direction to extend the proportionate pension in his favour.

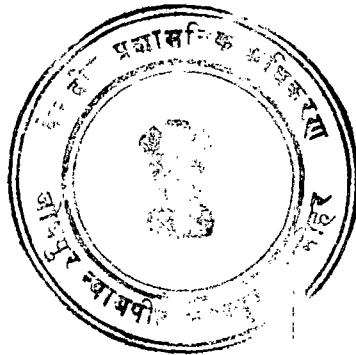
3. On the other hand, by filling counter, the official respondents have objected this application. It is stated that the application is barred by time having been filed nearly after 28 years and accordingly, this application is liable to be dismissed on the ground of limitation itself. The applicant in the case decided by the Jabalpur Bench of the Tribunal, had better right than the present applicant. It is further stated that at any rate, the applicant could not have exercised any option for pension during his service time. The modified Scheme has come into force in the year 1974, by that time he had resigned. Therefore, the applicant cannot seek change over from the P.F. to Pension Scheme.

4. It is also stated that against the order of the Jabalpur Bench of the Tribunal, an SLP is pending before Hon'ble the Supreme Court. But no material has been placed before me as to the number of SLP or its stage whether pending or disposed of. However, having regard to the endorsement made by the Northern Railway dated 11.7.88 to the applicant, stating that his representation is still pending consideration, I think

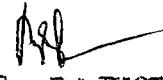
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it appropriate, without expressing any opinion on the merit of the case, to direct the authorities to consider the said representation of the applicant. The endorsement dated 11.7.1988 is not in dispute. If the department itself wants to consider the representation of the applicant, it is open for them to do so.

5. For the above reasons, I pass the order as under :



"The application is disposed of with a direction to the respondents to consider the representation of the applicant in terms of their endorsement dated 11.7.88 within a period of four months from the date of receipt of a copy of this order. The applicant shall also make a fresh representation within a period of 15 days from the date of issue of this order and the respondents may, thereafter dispose of the same within a period of 04 months of filing such representation. No costs."


(B.S. RAIKOTE)
Vice Chairman

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