

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, BOMBAY.

ORIGINAL APPLICATION NO.936/39.

Shri Dinanath Vinayak Thakur,
Residing at Krishna Niwas,
Gokhale Road, Naupada,
THANE.

.. Applicant.

V/s.

1. Union of India,
through
General Manager,
Western Railway,
Churchgate,
BOMBAY.
2. The Divisional Railway Manager,
Bombay Division, W. Railway,
Bombay Central.

.. Respondents.

CORAM : Hon'ble Shri Justice U.C. SRIVASTAVA, VICE CHAIRMAN.
Hon'ble Shri M.Y. PRIOLKAR, MEMBER (A).

Appearances:

Mr.D.V.Gangal, Adv.
with Mr.V.G. Pashte, Adv.
for the applicant.

Mr.N.K. Srinivasan, Adv.
for the Respondents.

JUDGMENT:

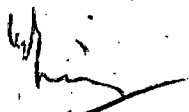
DATE : 24.5.1991.

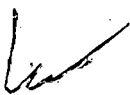
¶ PER : Hon'ble Shri U.C. Srivastava, Vice Chairman ¶

The applicant who was employee of Western Railway retired on 24.4.1972 on attaining the age of Superannuation. The applicant with other employees was governed by P.F. Scheme as till then Pension Scheme was not introduced which was introduced only on 1.4.1957. The applicant did not opt for the said scheme till 1.4.1969

O.A.936/89.

whereafter upto 14.7.1972 the Railway Board did not issue any option for pension. The applicant retired during this period. The applicant started correspondence regarding pensionary benefits only with effect from 1975 and in 1989 claimed benefit of a judgment given by this Tribunal in Ghanshyam Das case. Learned Counsel for applicant contended that in view of the approval of said decision by Supreme Court the applicant is now entitled to benefit of the said case. He has also placed before us the order dated 6th May, 1991 passed by Hon'ble Supreme Court dismissing the review application filed by Union of India (Review Petition No.163 of 1989). The case of Ghanshyam Das decided by a Division Bench was considered by a Constitution Bench of Hon'ble Supreme Court in Krishan Kumar Vs. Union of India (1989) 10 ATC 495 holding that not having claimed benefit of pension scheme earlier cannot claim benefit of same if he retired during the period option were not open. The case of Ghanshyam Das was considered by the Bench and confined to its facts. As such the applicant cannot now claim any benefit of Pension Scheme and his application has got to be dismissed. It is accordingly dismissed but there will be no order as to costs.


(M.Y. PRIOLKAR)
MEMBER(A).


(U.C. SRIVASTAVA)
VICE CHAIRMAN.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, "GULESTAN" BUILDING NO. 6
PRESCOT ROAD, BOMBAY-1

REVIEW PETITION NO. 88/91
IN O.A. NO. 936/89

DINANATH VINAYAK THAKUR

.. APPLICANT

V.

UNION OF INDIA & ANOTHER

.. RESPONDENTS

Coram: Honl Shri Justice U C Srivastava, V.C.
Hon. Shri M Y Priolkar, Member (A)

TRIBUNAL'S ORDER

DATED: 03.01.1992

(PER: U C Srivastava, Vice Chairman)

This Review Petition is against our judgment dated 24.9.1991. The case was heard and disposed of after hearing the counsels for the parties and perusing the record. There is no error apparent on the fact of record / judgment which may result in recalling our judgment. The ~~xxx~~ applicant in his review petition has stated that it was pointed out to the Tribunal that SLP in Ghanshyamdas V/s. Union of India has been rejected by the Supreme Court, and the review application thereto has also been rejected. We have considered the cases of Ghanshyam Das and Krishan Kumar's case and we have taken note of the observations made in the case of Krishan Kumar's ~~xxxx~~ by the Constitution Bench of the Supreme Court. After considering all these facts the judgment was passed in OA No.936/89 on 24.9.1991.

We do not find any error apparent on the face of record / judgment and accordingly this review petition is dismissed.



(M Y PRIOLKAR)
MEMBER(A)



(U C SRIVASTAVA)
VICE CHAIRMAN