

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH
BOMBAY

O.A. 530/90 and
531/90

Baliram Daji Madhavi
Narayan Kana Patil.

....

Applicants

vs

Union of India through
General Manager,
Central Railway, Bombay.

....

Respondents.

Coram : Hon'ble Mr. M.Y.Priolkar, Member(A)

Hon'ble Mr. V.D.Deshmukh, Member(J)

Appearance:

Shri V.G.Pashte, Adv.
for the applicants.

Shri J.G.Sawant, Adv.
for the respondents.

Dated: 3-2-1993

Judgement

(Per: Hon'ble Mr. M.Y.Priolkar, Member(A))

The applicants are Railway employees who retired under Provident Fund Scheme on 31-10-1976 and 20-1-1969, respectively. The grievance of the applicants in both these cases is that option to come under pension scheme was granted to the railway employees only during certain specified periods and it is not available to the applicants, which is discriminatory.

The railway introduced the pension scheme on 16th Nov. 1957 and all non-pensionable railway servants who were in service at that time were given the option to come over to pension scheme within a specified period. This period was subsequently extended at different times for limited duration. According to the applicants, at the time of their retirement the option was not available so they were unable

to exercise their option to come over to the pension scheme. It is, ^{however,} stated by the learned counsel for the respondents and this is not now disputed by the learned counsel for the applicants, that the option was in fact available at the relevant time i.e. on the date of retirement of the applicants, but that they have failed to exercise their option to come over to pension scheme. This fact is admitted by the learned counsel for the applicants. We do not, therefore, see any merit in these applications which are accordingly rejected, with no order as to costs.