

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Original Application No: 127/97.

Date of Decision: 13.11.1997.

Shri R. V. Gazdar,

Applicant.

Shri S. P. Saxena,

Advocate for
Applicant.

Versus

Union Of India & Others,

Respondent(s)

Shri R. R. Shetty,

Advocate for
Respondent(s)

CORAM:

Hon'ble Shri. B. S. Hegde, Member (J).

~~Hon'ble Shri. B. S. Hegde, Member (J).~~

- (1) To be referred to the Reporter or not? *b*
- (2) Whether it needs to be circulated to *6* other Benches of the Tribunal?

B. S. Hegde
(B. S. HEGDE)
MEMBER (J).

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CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION NO.: 127/97.

Dated this Thursday, the 13th day of November, 1997.

CORAM : HON'BLE SHRI B. S. HEGDE, MEMBER (J).

R. N. Gazdar,
Residing at -
Block No. 2,
Behramji Building,
1, Sholapur Road,
PUNE.

... Applicant

(By Advocate Shri S.P. Saxena)

VERSUS

1. Union Of India through
The Secretary,
Ministry Of Railways,
New Delhi - 110 011.
2. The Chairman,
Railway Board,
New Delhi - 110 011.
3. The General Manager,
Central Railway,
Mumbai C.S.T.,
Mumbai - 400 001.
4. The Divisional Rly. Manager,
Central Railway,
Mumbai C.S.T.,
Mumbai - 400 001.

... Respondents.

(By Advocate Shri R. R. Shetty).

: ORAL ORDER :

| PER.: SHRI B.S. HEGDE, MEMBER (J) |

Heard Shri S.P. Saxena for the applicant
and Shri R. R. Shetty, Counsel for the respondents.

Ab

2. The applicant retired from service on 31.01.1995. The Railway Board had issued a circular dated 8th May, 1987 on the subject - 'Change over of railway employees from the SRPF (Contributory Scheme) to Pension Scheme - Implementation of the recommendation of the IV Central Pay Commission - regarding'. The applicant opted to remain in S.R.P.F. and continued till 1990, in which year he got married. Before his retirement, in the year 1990, he intended to change over to Pension Scheme. He submits that he was assured by the Officers that his option for the pension scheme will be considered but no written order was issued by the respondents.

3. The Learned Counsel for the applicant further contends that the corresponding Government Contribution from the year 1990 to 1995 has not been paid to the applicant.

4. The respondents in their reply contend that the entire amount - i.e. the applicant's own contribution to S.R.P.F. and the Government Contribution, has been paid to the applicant, which is clearly stated in para 1 of their reply.

As _____

5. In the facts and circumstances of the case, the question for consideration is - firstly, whether opting for change over from the S.R.P.F. to Pension Scheme at such a belated stage is permissible? The answer is in the negative. Secondly, whether the Government Contribution from the year 1990 to 1995 has been paid to the applicant, which the respondents state that it has been paid to him. In the circumstances, if the applicant has got any doubt, he may approach the Sr. D.A.O. in the Respondents Office to verify the records. The Sr. Divisional Accounts Officer may show to the applicant the amount paid to him towards the Government Contribution from 1990 to 1995.

6. With the above directions, the O.A. is disposed of at the admission stage itself. There will be no order as to costs.

B.S. Hegde
(B.S. HEGDE)
MEMBER (J).