

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH
JAIPUR.

O.A.No.963/92

Dt. of order: 5.11.1993

Premraj Bansal

: Applicant

Vs.

Union of India & Ors. : Respondents

Mr.A.M.Bhandawat : Counsel for applicant

Mr.S.S.Hassan : Counsel for respondents

CORAM:

Hon'ble Mr.Gopal Krishna, Member(Judl.)

Hon'ble Mr.O.P. Sharma, Member(Adm.).

PER HON'BLE MR.GOPAL KRISHNA, MEMBER(JUDL.).

Applicant Premraj Bansal, has filed this application under Sec.19 of the A.Ts Act, 1985, praying that the respondents No.1 & 2 may be directed to release his due amount of pension from the date of his superannuation i.e. 2.3.78 with all consequential benefits.

2. The facts of the case are that the applicant superannuated as a Station Master, Govindgarh-Malikpur, Jaipur Division, in the Western Railway on 2.3.78 after having put in 33 years of service. His pay on superannuation was Rs.580/- per month plus usual allowances. The applicant was a member of Contributory Provident Fund and the share of PF Bonus amounting to Rs.13,926/- was paid to him at the time of retirement. Thereafter the Pension Rules were liberalised and the beneficiaries of the CPF scheme were given an option to switch over to the pension scheme and the option was to be exercised upto 30.6.1978. The applicant exercised his option to come over to the pension scheme on 6.6.78. Thereafter, by a communication dated 6.6.78 (Annex.A-3) the applicant was asked to deposit an amount of Rs.13,926/- being the PF Bonus. The respondents' contention is that since the applicant had already paid to him.

failed to deposit the aforesaid amount which he was asked to deposit therefore he has no case now to switch over to the pension scheme.

3. We have heard the learned counsel for the parties and carefully perused the record.

4. The learned counsel for the applicant has relied on a decision of the New Bombay Bench of the Tribunal dated 11.11.87 Ghansham Das & Anr. Vs. The Chief Personnel Officer & Ors. Since the applicant had exercised the option within the prescribed time frame we hold that he is entitled to pensionary benefits and the same cannot be denied to him on the ground of his failure to deposit Rs.13,926/- received by him as PF Bonus. The argument of the learned counsel for the respondents that mere exercise of option to come over to the pension scheme without depositing the PF Bonus already received at the ^{an} same time is not effective exercise of option is not tenable.

5. In the result, we pass the following orders:

- i) The respondents are directed to hold that the applicant is entitled to the benefit of the pension scheme since his retirement and to determine the pension due to him according to the then existing rules taking into consideration the amendments if any made to the rules thereafter.
- ii) The respondents will be entitled to recover all the amount from the applicant which would not have been due to him if he had opted in favour of pension before his retirement.
- iii) The respondents shall calculate the arrears of pension due to the applicant and after deducting the amounts due from him pay the balance if any to the applicant.
- iv) No interest is to be charged on the amounts due

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to each other.

v) The above orders shall be carried out within a period of 4 months from the receipt of a copy of this order.

6. The O.A. is disposed of accordingly with no order as to costs.

(O.P.Sharma)
Member(A)

G.Krishna
(Gopal Krishna)
Member(J).