

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.1510/95

Date of Order: 22.3.96

BETWEEN:

J.Jagannadhara Rao

.. Applicant.

A N D

1. Union of India, rep. by
General Manager, S.E.Rly.,
Garden Reach, Calcutta-43.
2. Chief Personnel Officer.
S.E.Rly., Garden Reach,
Calcutta -43.
3. Divisional Railway Manager (P),
S.E.Rly, Dondaparthy, Visakhapatnam.
4. Sr.Divisional Personnel Officer,
S.E.Rly., Visakhapatnam. .. Respondents.

Counsel for the Applicant

.. Mr.P.B.Vijay Kumar

Counsel for the Respondents

.. Mr.V.Bhimanna

CORAM:

HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

JUDGEMENT

X As per Hon'ble Shri R.Rangarajan, Member(Admn.) X

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The applicant in this OA joined railways on 14.2.33 and retired as Head Clerk on 14.2.70. During his period of service he did not opt for pension under the existing pension scheme and retired as S.R.P.F. optee. Subsequently having realised the benefits and advantages under the pension scheme, he made representation to R3 on 17.8.90 opting for pension under the then existing pension scheme. The applicant submitted his option to come over to the pension scheme on 26.8.92 stating that the benefit of the judgement rendered by the Central Administrative Tribunal, Bombay Bench in TA.27/87 is applicable to him also. He also stated that he had already opted earlier also vide his letter dated 17.8.70. It is stated that the copy of the letter dated 17.8.70 was also enclosed to his representation dated 26.8.92. He also relied on the railway board circular dated 2.1.92 (R.B.E. No.8/92) to all Indian Railways-Railway Board Letter No.E(G)-32-PNI-6 dated 2.1.92). But it is stated by letter dated 6.11.95 (A-2) that his case has been referred to CPO/GRC for clarification in regard to payment of pension to him. But it was turned down as per letter dated 26.9.95. But the letter of 26.9.95 does not indicate that the case of the applicant for pension has been turned down. It states that the case need not have been referred to head-quarters office as clear cut advice is available in the divisional office. The letter further states that the matter may be disposed of accordingly keeping in mind the advise given by the Senior Law Officer in the instant case. But so far no decision appear to have been taken in

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this connection.

2. In view of the above he has filed this OA for setting aside the letter No.P/S/Pen/Misc/WAT dated 26.9.95 and fix his pension in accordance with rules and pay all arrears. In my opinion letter dated 6.11.95 had been issued without understanding the problem. Hence it is essential that R3 should take a final decision in regard to his representation quoted above in accordance with the railway board's circular dated 2.1.92 and also on the basis of the Supreme Court judgement reported in AIR 1995 SC 983. The relevant portion of the Railway Board's letter dated 2.1.92 has been extracted at page-8 Annexure-4. From the letter it appears that the railway employees who were similarly placed as the applicant in TA.27/87 on the file of the Bombay Bench of this Tribunal are eligible for grant of relief as per the direction given in that OA if they have retired between the period from 1.4.69 to 14.7.72 and who had indicated their option in favour of pension scheme either at any time while in service or after the retirement and who now decided to opt for pension scheme.

3. As the applicant retired on 14.2.70 i.e. during the period from 1.4.67 to 14.2.72 he may also be eligible for pension in terms of the Railway Board's letter quoted above. But the case has to be scrutinised on the basis of the above circular and also on the basis of the facts of the case.

4. In view of the above R3 is directed to examine this case taking into account all the circulars quoted above and give a speaking order regarding his eligibility for

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getting pension on the basis of the option letter submitted by him. As the applicant had retired way back in 1970 the case has to be decided expeditiously. Hence time for compliance is 3 months from the date of receipt of a copy of this order.

5. The O.A. is ordered accordingly. No costs .

Me

(R.RANGARAJAN)
Member (Admn.)

Dated: 22nd March, 1996

(Dictated in Open Court)

sd

Arulraja
Dy. Registrar (S)

(R)

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Copy to:

1. The General Manager,
South Eastern Railway,
Garden Reach,
Calcutta - 43.
2. Chief Personnel Officer,
South Eastern Railway,
Garden Reach,
Calcutta - 43.
3. Divisional Railway Manager,(P),
South Eastern Railway,
Dondaparthy,
Visakhapatnam.
4. Senior Divisional Personnel Officer,
South Eastern Railway,
Visakhapatnam.
5. One copy to Mr.P.B.Vijaya Kumar, Advocate,
CAT, Hyderabad-
6. One copy to Mr.V.Bhimanna, Addl.CGSC,
CAT, Hyderabad.
7. One copy to Library,CAT, Hyderabad.
8. One spare copy.

YLKR

O/A/1510/95
15/4/96

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD.

HON'BLE SHRI A.B.GORTHI : MEMBER (A)

HON'BLE SHRI R.Ranganayam : M (A)

DATED: 22.3.96.

ORDER/JUDGMENT

M.A.NO./R.A./C.A.No.

IN

O.A.NO. 1510/95

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

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