

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH  
JAIPUR.

O.A.No.448/93

Dt. of orders 6.8.1993

B.L.Pagaria

: Applicant

Vs.

Union of India & Ors. : Respondents

Mr.U.Wales

: Counsel for applicant

CORAM

Hon'ble Mr.Justice D.L.Mehta, Vice Chairman

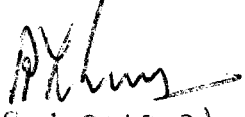
Hon'ble Mr.P.P.Srivastava, Member (Adm.).

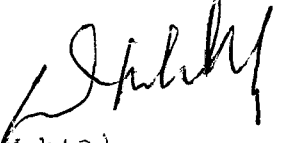
PER HON'BLE MR.JUSTICE D.L.MEHTA, VICE CHAIRMAN.

Heard the learned counsel for the applicant.

Applicant retired on 30.4.1978. He submits that the right to elect option for pension scheme was upto 1977 and he ~~had~~ not opted for pension. Subsequently it was extended upto 31.12.78, however he has not opted during that period also. He further submits that the Railway Board has issued a letter dated 27.12.78 treating that the options exercised by serving or retired employees in service as on 1.1.1973 upto 31.12.78 are eligible for pension scheme. Thus the counsel for the applicant wants to say that the cause of action accrued some times in the year 1978 or 1979. He further submits that he made a representation after 11 years for the first time in the year 1989 and <sup>the same</sup> was rejected by the respondents thus the cause of action accrued to him thereafter making the representation after 11 years for grant of pension. The counsel for the applicant cited before us the case of V.D.Vaidya Vs. UOI 1990(3) CAT 433 wherein the representation of the applicant for pension scheme was rejected on 25.6.89 and the applicant Shri Vaidya, approached the Tribunal on 3.11.89. The New Bombay Bench of the Tribunal has held that the cause of action accrued to the applicant when the representation

of the applicant was rejected. Here the question all together is different. Non-filing of the representation for 11 years tantamounts to the rejection of the representation and the same should have been filed within a reasonable time. In this case the applicant failed to file the representation within a reasonable time. Apart from that it is a case in which the counsel for the applicant has not considered even proper to move an application for condonation of delay. It is a case of gross negligence and the Court cannot help such person who are not so vigilant. The C.A. is rejected.

  
(P.P. Srivastava)  
Member (A)

  
(D.L. Mehta)  
Vice Chairman.