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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

Date of Decision: 04.1.1994.

QA 494/93

A.I. SOLOMON ... APPLICANT.

V/s.

UNION OF INDIA & ORS. ... RESPONDENTS.

CORAM:

HON'BLE MR. GOPAL KRISHNA, MEMBER (J).

HON'BLE MR. O.P. SHARMA, MEMBER (A).

For the Applicant ... SHRI W.WALES.

For the Respondents ... NONE.

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

Applicant A.I. Solomon in this application u/s 19 of the Administrative Tribunals Act, 1985, has prayed for a direction to the Divisional Railway Manager, Western Railway, Ratlam (Respondent No.2) to grant and fix monthly regular pension w.e.f. 22.6.72 to him according to the extant rules on the date of his retirement with consequential revision as applicable from time to time, as also for a direction to recover ~~the~~ from the applicant all amounts which would not have been due to him, if he had opted for the pension scheme prior to his retirement. It has also been prayed that the amount so arrive ~~that~~ may be adjusted against the arrears of pension payable to the applicant without any interest payable on the amounts due to each other.

2. We have heard the learned counsel for the applicant and perused the records. None is present on behalf of the respondents. No reply has been filed on their behalf. We, therefore, proceed to decide the case on merits.

3. The essential facts of this case are that the applicant, while working as a Pharmacist scale Rs.130-240(A) under the administrative control of the Divisional Railway Manager, Western Railway, Ratlam (Respondent No.2), had retired from

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service on attaining the age of superannuation w.e.f. 21.6.72 under the SRPF Rules. Soon after his retirement the applicant made a request vide letter dated 1.11.72 (Annexure A-2) to the respondent No.2 expressing his intention to opt for the Pension Scheme but no action or decision was conveyed to the applicant. Subsequently, a judgement was rendered by the Central Administrative Tribunal, New Bombay Bench, in TA 27/37 (Ghanshyam Dass & Anr. Vs. Chief Personnel Officer (Mechanical) & Ors.) on 11.11.87, whereupon the applicant made a representation dated 23.10.89 vide Annexure A-3 followed by a reminder dated 10.10.91 at Annexure A-4 to the respondent No.1 for granting him pension in terms of the aforesaid decision but there was no response to these representations. The applicant had retired from service under respondent No.2 w.e.f. 21.6.72. The Central Administrative Tribunal, New Bombay Bench, in the decision cited supra had directed the respondents "to implement the directions given in clauses (i) to (iv) of this order in respect of all the railway employees who were similarly placed like the applicants i.e. those who retired during the period from 1.4.69 to 14.7.72 and who had indicated their option in favour of pension scheme at any time while in service or after their retirement and who now desire to opt for the pension scheme." The applicant's case is fully covered by the judgement cited supra and as such the applicant, who retired on 21.6.72, is entitled to the benefits of the pension scheme.


3. Hence, this application is allowed. The respondents are directed to hold that the applicant is entitled to the benefits of pension scheme since his retirement and they are further directed to determine the pension due to him according to rules in existence at the time of his retirement and taking into consideration the amendments made to the rules thereafter. The

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5

respondents shall also be entitled to recover or adjust all amounts from the applicant which had been paid to him as per the State Railway Provident Fund Scheme. The respondents shall calculate the arrears and after deducting the amounts due from the applicant pay the balance to him. The said amounts shall be paid within four months from the date of receipt of a copy of this order. The applicant shall not be entitled to any interest. No order as to costs.

  
( O.P. SHARMA )  
MEMBER (A)

  
( GOPAL KRISHNA )  
MEMBER (J)