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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,

J A I P U R.

O.A. No. 600/93

Date of decision: 21.3.94

B.S. YADAV

: Applicant.

VERSUS

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: Applicant.

VERSUS

UNION OF INDIA & ANOTHER: Respondents.

Mr. R.N. Mathur : Counsel for the applicant.

Mr. K.N. Shrimal : Counsel for the respondents.

CORAM:

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

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

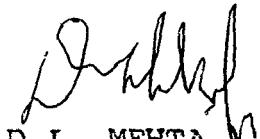
Heard the learned counsel for the parties.

2. Admittedly, the applicant served in the Military from 16.4.48 to 29.3.61. This fact is evident from the letter dated 6.9.91 (Annexure A-3). The applicant has not completed 15 years' service, as such, he was not given the pensionary benefits. This fact is evident from Annexure A-2. The applicant was initially appointed in Northern Railway and thereafter, it is said, that he was transferred in Western Railway. The railway authorities have declined to give the pensionary benefits to the applicant on two grounds, firstly, the applicant has not opted within the stipulated period for the pensionary benefits. The second ground is that no record is available with the respondents. In para 5(b) of the reply, it has been mentioned that the notification regarding option was published and the same was also pinned on the notice board. This is not a sufficient and ordinarily, it should be served to the individual. Apart from that it cannot be considered as a mandatory and time can be extended and there should be a very liberal consideration for the employees who have worked in the Army to save the Nation's integrity and who were ready to sacrifice their lives.

3. In such circumstances, I am of the view that it is a fit case in which the respondents should extend the benefit

of counting the service rendered by the applicant for pensionary benefits.

4. The Q.A. is disposed of accordingly, with no order as to cost. All the benefits which are to be paid under the order should be paid by way of revision within a period of four months from the date of receipt of this order.

  
( D.L. MEHTA  
Vice-Chairman