

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

Date of Decision: 2.8.94.

OA 327/94

R.D. MISHRA

... APPLICANT .

vs.

UNION OF INDIA & ANR.

... RESPONDENTS .

CORAM:

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

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

For the Applicant ... SHRI D.P. OJHA.

For the Respondents ... ---

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

Applicant R.D. Mishra has filed this application u/s 19 of the Administrative Tribunals Act, 1985, seeking a direction to the respondents to make payment of arrears of pension to him with effect from the date he retired from Government service. He has also prayed for a direction to the respondents to fix his pension and to pass orders for his regular pension.

2. We have heard the learned counsel for the applicant. Instead of pressing this application on merits, the learned counsel for the applicant wants that the representation, which the applicant has already made to the Chief Works Manager, Western Railway, Ajmer, vide Annexure A-7 dated 12.11.90 and which admittedly has not been disposed of till date, should be decided as per rules and instructions issued from time to time. The applicant states that he retired from the post of Mistry in the office of Chief Works Manager, Western Railway Workshop at Ajmer on 6.7.71 and before his retirement he had been contributing to the State Railway Provident Fund and that when the applicant retired from service there was no option available for pension since the option was foreclosed during the period in which the applicant had retired.

3. The learned counsel for the applicant has relied on a decision rendered by the New Bombay Bench of the Tribunal on 11.11.87 in TA 27/87 in the case of Ghansham Dass and D'souza Vs. The Chief Personnel Officer (Mechanical) and others. The learned counsel for the applicant may produce a copy of this ruling before the concerned authority, to whom the representation has been made.

4. The OA is disposed of at the stage of admission with a direction to the respondents to decide the representation already made to them by the applicant vide Annexure A-7 dated 12.11.90 in accordance with law and rules on the subject within a period of two months from the date of receipt of a copy of this order. In case the applicant is aggrieved by any decision taken on the representation, he may file a fresh OA.

(O.P. SHARMA)
MEMBER (A)

G.Krishna
(GOPAL KRISHNA)
MEMBER (J)