

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

OA 375/98

Date of Order: 11.7.2000

Udhav Das S/o Shri Parcho Mal aged 69 years, by caste Sindhvi, resident of C/o Krishn Flour Mills, Gumanpura, Kota.

.... Applicant.

Versus

1. Union of India through Principal Secretary, Ministry of Railways, New Delhi.
2. General Manager, Western Railway, Church Gate, Mumbai.
3. The Chief Personnel Officer, Western Railway, Church Gate, Mumbai.

.... Respondents.

Mr. Mahesh Sharma, Counsel for the applicant.  
None present for the respondents.

CORAM

Hon'ble Mr. S.K. Agarwal, Member (Judicial)

ORDER

(PER HON'BLE MR. S.K. AGARWAL, MEMBER (JUDICIAL))

In this Original Application filed u/s 19 of the Administrative Tribunals Act, applicant makes a prayer to direct the respondents to hold the applicant entitled to the benefit of the Pension Scheme since 29.7.72 i.e. from the date on which he has resigned from the post and further directions were also sought to pay all arrears of pension.

2. Admittedly, the applicant tendered his resignation on 23.5.72 while working on the post of Material Collector at Ajmer. The said resignation was accepted on 15.7.72 and which was made effective w.e.f. 29.7.72. It is stated by the applicant that a Pension Scheme was introduced for Railway Servants vide letter issued by Railway Board on

....2/-


16.11.97 and according to that Scheme, option was to be given as the applicant did not give any option. Therefore, according to the giving provisions, he should have obtained option for the pensionary benefits. The applicant was not given any pensionary benefits. Applicant made a representation but with no avail. It is stated by the applicant that respondents have discriminated the applicant with other employees and by arbitrary action of the respondents, applicant has been deprived of the pensionary benefits solely on the ground that applicant tendered his resignation from the service. Therefore, applicant filed this Original Application for the reliefs, as above.

3. Reply was filed. In the reply, it has been stated that applicant tendered his resignation from the service of the Railways and his resignation was accepted. Therefore, after his resignation was accepted, benefit of Pension Scheme cannot be given to the applicant. It is stated that according to Rule 311, it has been made very specific that no pensionary benefits can be granted to railway servants who resigns from Govt. Service. Therefore, in view of the provisions in Railway Pension Rules, the applicant was not granted benefit of the Pension Scheme. Therefore, this OA<sup>is</sup> having no merit and is liable to be dismissed.

4. Heard the learned counsel for the applicant and also perused the whole record.

5. It is an admitted fact that applicant resigned voluntarily from Railways on 23.5.72 and his resignation was accepted on 15.7.72 and made effective on 29.7.72. Therefore, in view of the provisions given under Rule 311 of Railway Pension Rules, the applicant is not entitled to pensionary benefits of Pension Scheme and respondents while rejecting the representation of the applicant vide order dated 11.12.93 have not committed any illegality.

6. I, therefore, find no merit in this Original Application. Hence this Original Application is dismissed with no order as to costs.

  
(S.K. Agarwal)  
Member (J)