

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
Order reserved on: 20.08. 2015

ORIGINAL APPLICATION NO. 060/00942/2014
Chandigarh, this the 24th day of August, 2015

...
CORAM: HON'BLE MS. RAJWANT SANDHU, MEMBER (A)
HON'BLE DR. BRAHM A. AGRAWAL, MEMBER (J)

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Sukhdev Singh D. No. 320 CTU-II, Chandigarh, resident of House
No. 188, Village Kansal, Tehsil Kharar, District Mohali.

...APPLICANT

BY ADVOCATE: SHRI RAM BHATIA

VERSUS

1. Union Territory, Chandigarh Administration through its Secretary, Department of Transport, Chandigarh.
2. The Director Transport and Divisional Manager, Chandigarh Transport Undertaking, 701, Phase I, Industrial Area, Chandigarh.

...RESPONDENTS

BY ADVOCATE: SHRI ASEEM RAI

ORDER

...
HON'BLE DR. BRAHM A. AGRAWAL, MEMBER(J):-

The applicant, who superannuated as a bus driver on
31.08.2010 and had availed of benefit of ACP Scheme on

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completion of 8, 16 and 24 years of service, seeks instead benefit of ACP Scheme on completion of 4, 9 and 14 years of service, though he had not exercised the necessary option by the date due, vide the ACP Scheme dated 03.11.2006 (Annexure A-1) read with the respondent no. 2's Notice dated 07.12.2006; the due date was 02.01.2007.

2. The applicant prays that the respondent no. 2's reply dated 20.08.2014 (Annexure A-10) in response to his legal notice dated 10.07.2014 (Annexure A-8) be set aside and that the respondents be directed to allow the applicant to now submit his application for availing of benefit of ACP Scheme on completion of 4, 9 and 14 years of service.

3. We have heard the learned counsel for the parties, perused the pleadings and given our thoughtful consideration to the matter.

4. Annexure A-10 reads, inter alia, as under:

"This office has already informed to all its employees through information displayed on the Notice Board bearing No. 2497/EAG/CTU-II/2006 dated 7.12.2006 (Photocopy enclosed) to give their option on or before 2.1.2007. But your client has not exercised his option for grant of ACP benefits on completion 4, 9 & 14 years. Therefore, he is not entitled for the said benefit. It is however, added that your client was

given benefit of ACP on completion of 8,16 & 24 years instead of 4,9, &14 years being not exercising option."

5. We do not see any infirmity in the position taken by the respondents. Besides, the O.A. is hopelessly barred by limitation, as rightly pleaded in the written statement.

6. Thus, the O.A. deserves to fail. The same, is, therefore, dismissed. No order as to costs.

(DR. BRAHM^U A. AGRAWAL)
MEMBER(J)

(RAJWANT SANDHU)
MEMBER(A)

Dated: 24 .08.2015

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