

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

O.A No. 130/2015

New Delhi, this the 2nd day of August, 2018

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)

Pran Nath Mehta
Aged about 68 years,
S/o. Sh. G. M. Mehta,
Retd. CSI, Railways Service,
Central Railway, Mathura,

Resident of

S-152, Greater Kailash – I,
New Delhi – 110 048.

....Applicant

(By Advocate : Mr. Vidya Sagar)

Versus

1. Union of India,
Through,
Chairman, Railway Board,
Rail Bhawan, New Delhi – 110 001.

2. Director General (Signal),
Railway Board,
Rail Bhawan, New Delhi – 110 001.

3. Member Staff,
Railway Board,
Rail Bhawan, New Delhi – 110 001.

4. General Manager
North-Central Railway,
Allahabad – 211 012.

5. Divisional Railway Manager,
North Central Railway,
Jhansi.

....Respondents

(By Advocate : Mr. V. S. R. Krishna)

ORDER (O R A L)**Justice L. Narasimha Reddy, Chairman :**

The applicant joined the service of the Indian Railways way back in the year 1964. By December, 1990, he was promoted as Assistant Station Inspector, in Central Railways. On 22.12.1990, he is said to have submitted an application for voluntary retirement citing the grounds of psychological disorder. Thereafter, he had not pursued the matter and it is stated that he attained the age of superannuation on 01.04.2006. He claims that he is entitled to be extended the retirement benefit. He filed O.A for the relief of sanction of pension and allowances.

2. Respondents raised a serious objection as to the maintainability of the O.A. It is stated that since 1990, the applicant could not be traced even after best of the efforts and even his service book was not traceable. It is also stated that he suppressed the fact that he migrated to United States of America.

3. At one point of time, the O.A was allowed. However, the Review filed by the respondents was allowed mainly on the ground that the applicant has resorted to suppression of relevant facts.

4. We heard Mr. Vidya Sagar, learned counsel for applicant and Mr. V. S. R. Krishna, learned counsel for respondents in detail.

5. The applicant no doubt seems to have served the Railways for about 25 years. However, he was grossly negligent, if not indisciplined. He is said to have submitted the application seeking voluntary retirement, in 1990. Except that, an application is made in his behalf, nothing is placed on record, nor was the applicant available in India for any verification. The respondents were not supposed to search for the applicant.

6. Strictly speaking, the O.A is liable to be dismissed on grounds of laches and limitation. However, even assuming that the applicant is not entitled to any financial benefit subsequent to 22.12.1990, the rights that have accrued to him on the basis of the service rendered by him up to that time need be taken into account. At the same time, it needs to be verified whether he continues to be a citizen of India and if not, what are the consequences thereof.

7. The only observation that can be made is that it shall be open to the applicant to make a representation to the respondents claiming whatever benefits he wishes to

claim. At the same time, the option of the respondents to take disciplinary action in accordance with law, cannot be closed.

8. Therefore, we dispose of the O.A leaving it open to the applicant to make a representation claiming whatever reliefs he wants from the respondents. Whenever such representation is made and if the respondents want the presence of the applicant, he shall make himself available. This can be for the purpose of securing necessary information or re-construction of the service book or even to initiate the disciplinary proceedings, if they so wish. This exercise shall be completed within a period of two months from the date the applicant submits his application. If the applicant does not make representation or does not turn up if required, the matter shall be treated as closed. There shall be no order as to costs.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/Mbt/