

SUPREME COURT OF INDIA

Narayan Singh Solanki

Vs.

Union of India (Uoi)

(V.N. Khare and S.N. Phukan JJ.)

25.04.2000

ORDER

V.N. Khare, J.

1. The Appellant herein was appointed as a Clerk in the erstwhile Jodhpur State Railways on 11.4.1950. On the re-organisation of Railways in the year 1952 the Appellant was transferred to Office of Personnel Branch under the Divisional Superintendent, Jodhpur. On 31st July, 1963 the Appellant resigned from service opting to take Provident Fund under the State Railways Provident Fund. The amount of provident fund was offered to the Appellant which was accepted by him and also other benefits to which he was entitled were also given.

2. In the year 1991 the Appellant alleged to have made representation to the Railways requesting to change his option for Provident Fund to the Pension Scheme. Subsequently, the Petitioner, in the year 1992 filed an O.A. before the Central Administrative Tribunal praying therein that the Appellant's resignation in the year 1963 has to be treated as Voluntary Retirement and since he has put in more than 10 years of service, he is entitled to pension under the Pension Scheme and, therefore, his option which exercised in the year 1963 be cancelled. The Tribunal was of the view that the Appellant having not put in 20 years of qualifying service was not entitled to change his option at that stage. Consequently, the petition was dismissed. It is against the said judgment the Appellant is in appeal before us.

3. Learned Counsel for the Appellant reiterated the argument urged before the Tribunal. His case is that the case of the Appellant is covered by Rule 102 of the Rules. We are not inclined to go into the merits of the matter as we are of the view that the Appellant having resigned from the service and accepted his Provident Fund in the year 1963 and thereafter remained silent for nearly 28 years, and therefore, demand for change in option in the year 1992 did not deserve to have entertained. In fact the Appellant was guilty of laches and, therefore, not entitled to change his option for pension. On this short question we dismiss this appeal. There shall be no order as to costs.