

22nd May, 2025
(D/L No.11)
Ct. No.4
(SKB)

W.P.C.T.104 of 2025

Sunita Das
Versus
Union of India and others

Mr. Sekhar Pal,
Mr. Mobaksher Islam
....for the petitioner.

Mr. Rabindra Nath Bag, Sr. Adv.,
Sk. Md. Wasim Akram
... for the respondents.

1. Heard the learned counsel for the petitioner and the learned counsel for the respondents.
2. The petitioner was an applicant before the Central Administrative Tribunal (in short 'Tribunal').
3. The petitioner's husband was employed in the Power Grid Corporation after his permanent absorption therein on 01.01.1995. He passed away in the year 2007.
4. The original application was filed by his wife claiming the benefit of pro-rata pension and consequential benefits available to her under the Central Government Rules.
5. The Tribunal has considered the petitioner's claim based on the stand of the parties. The claim has been found inadmissible. The Tribunal has also found the application to be barred by limitation prescribed in Section 21 of the Administrative Tribunal's Act (in short 'Act').
6. The learned counsel for the petitioner submits that the petitioner was relying upon a decision rendered by the Central Administrative Tribunal,

Principal Bench in O.A. No.1442 of 208 in the case of ***Union of India Vs. Kultar Chand Rana***. The Principal Bench therein had directed the grant of pro-rata pension to the applicant therein. The decision of the Principal Bench was assailed by the respondents by filing a writ petition W.P.(C) 5 of 2010 before the Hon'ble Delhi Court. The Delhi Court has affirmed the order of the Principal Bench.

7. Petitioner's case is similar to the case before the Delhi High Court since here also there is a shortage of qualifying service in the case of the present petitioner's husband. The same relief has thus been claimed which has been denied by the Tribunal by the impugned order.
8. The learned senior counsel has appeared on behalf of the respondents. According to him, the petitioner was not entitled to grant of pro-rata pension. The issue has been considered by the Tribunal. He further submits that the O.A. was filed 10 years after demise of the applicant's husband without any application for condonation. The same was also not after preferring any representation for the relief.
9. In view of the provision contained in Section 21 of the Act, the O.A. was barred by limitation and also because the petitioner had not availed any relief by way of a representation prior to approaching the Tribunal as contemplated under Section 20 of the Act.
10. We have considered the submissions of the rival parties.
11. Since the respondents have filed a reply before the Tribunal, we requested the learned counsel for the petitioner to handover a copy of

the same, which has been done. We direct that copy of the reply be kept on record.

12. Upon going through the records, we find that the petitioner had a total qualifying service of 8 years 11 months and 20 days only. Based on such length of service, he was not admissible to any pension as claimed. In so far as the submission of the learned counsel for the petitioner that the long service rendered prior thereto in the work charge establishment and otherwise should also be considered as per the Government of India Rules and Notifications, we find that such submission is misplaced. On record there is a copy of an option exercised by the petitioner's husband after his absorption in the Power Grid Corporation. The option is clearly to the effect that he claimed "to be governed by the Rules of the Power Grid for pensionary benefits".
13. In view of such fact, we find that the petitioner cannot derive sustenance from the order passed by the Division Bench in the case of Kultar Chand Rana (*supra*) or the order passed by the Delhi High Court affirming the said order. The facts of the said case was essentially different. The petitioner therein had exercised an option for pensionary benefits available to him in the Central Government Pension Scheme wherein there was a provision for counting of his services even prior to absorption for determining qualifying service.
14. In view of such facts and circumstances obtaining in the case of Kultar Chand Rana (*supra*) the judgment was passed. Such facts are missing in the present case as the present petitioner did not exercise option for Central

Government Pension Rules. On the contrary, the petitioner's husband, as noted above, had exercised option otherwise to be governed by the Rules of the Power Grid for pensionary benefits. The claim of the petitioner, therefore, based on parity with Kultar Chand Rana (supra) is untenable.

15. In view thereof, we find that there is no reason to interfere with the order passed by the Central Administrative Tribunal.
16. The writ petition is, thus, dismissed.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)