

**Central Administrative Tribunal
Ernakulam Bench**

OA No.180/00186/2020

Friday, this the 19th day of February, 2021

CORAM

Hon'ble Mr.P. Madhavan, Judicial Member

Hon'ble Mr.K.V.Eapen, Administrative Member

V.K. Devarajan,
Retired Office Superintendent,
HR.No. 198301509, Public Relations Section,
Office of the General Manager, BSNL Bhavan,
Thiruvalla -689 101.
Residing at Varikolil House, Venpala P.O.,
Thiruvalla - 689 102.
Ph. No. 9497245601.

Applicant

(Advocate: Mr.Vishnu S.Chempazhanthiyil)

Versus

1. Bharat Sanchar Nigam Limited, represented by its Chairman and Managing Director, BSNL Bhavan, Corporate Office, Statesman House, New Delhi -110 001.
2. The Chief General Manager, BSNL, Kerala Circle, Thiruvananthapuram -695 033.
3. The General Manager (Finance), Office of CGMT, BSNL, Kerala Circle, Thiruvananthapuram -695 033.
4. The General Manager, BSNL, Pathanamthitta Telecom District, Thiruvalla - 689 101.
5. The Deputy General Manager (Finance), Office of General Manager, BSNL, Thiruvalla - 689 101.
6. P&T BSNL Employees Cooperative Society No.1940 represented by its Secretary Gandhariamman Coil Road, Mele Thampanoor Junction Santhi Nagar, Pulimude, Thiruvananthapuram-695 001.
7. The Thiruvalla Government Employees Cooperative Bank Ltd., No.A-213, represented by its Secretary, Police Station Road Thiruvalla-689 101.

8. Union Bank of India represented by its
Manager, Thiruvalla Branch, Marthoma Building
Thiruvalla-689 101.

Respondents

Advocates:

Mr.V.Santharam for R1-5)

Mr.S.K.Balachandran & Mr.S.Jayakrishnan for R7

Mr.Deepak Raj

The OA having been heard on 19th February, 2021, this Tribunal delivered the following order on the same day:

O R D E R (oral)

By P.Madhavan, Judicial Member

The applicant is aggrieved by the decision of the official respondents to effect recovery from his retirement dues towards the loan availed by him before the expiry of the loan repayment period.

2. The applicant retired from BSNL under Voluntary Retirement Scheme, 2019 which became effective from 31.1.2020. His superannuation date is 31.3.2022. The applicant had availed of huge loans from KSFE, Thiruvalla Government Employees Cooperative Bank Ltd, P&T Employees Cooperative Bank Ltd., etc., for various purposes including house building. In view of the voluntary retirement, the respondent BSNL sought to effect recovery towards loan repayment from the pensionary dues of the applicant. According to the applicant, the loan repayment period subsists up to 31.3.2022, his superannuation date. Therefore, the applicant has filed the present OA resisting the attempt of the official respondents to effect the said recovery.

3. Counsel on both sides were present and heard.

4. The counsel for the BSNL has filed a detailed reply stating that there exist dues to P&T Society, TLA Government Employees Cooperative Bank, Union Bank of India, Thiruvalla to the tune of Rs.26,83,328/-. According to them, the total

amount payable to the applicant consequent to the voluntary retirement is Rs.23,34.489/- only. Hence there will be no amount due to the applicant after the payment of dues to the creditors.

5. Respondents 6, 7 & 8, the creditors were impleaded and respondent No.7 filed objections. Respondents 6 & 8 did not file any statement.

6. Today when the matter came up for hearing, the counsel for the applicant submitted that he has no objection in releasing the amount kept by the official respondents to his creditors and he will not press for the reliefs sought by him in the OA. The official respondents and 7th respondent had not raised any objection.

7. In view of the above, we hereby direct the official respondents to release the amount kept pending at their disposal to the creditors who approached the respondent for payment, if there is no civil dispute pending regarding apportionment.

8. The OA will stand dismissed as not pressed.

(K.V.Eapen)
Administrative Member

(P.Madhavan)
Judicial Member

aa.

Annexures filed in the OA:

- Annexure A1: True copy of salary slips of the applicant for the month of September, 2019 and October, 2019.
- Annexure A2: True copy of the order dated 10.1.2020 in OA No.824/2019 of this Tribunal.
- Annexure A3: True copy of the interim order dated 30.1.2020 of the Hon'ble High Court.
- Annexure A3(a): True copy of the interim order dated 5.3.2020 in OP(CAT) No.36/2020 of the Hon'ble High Court of Kerala.
- Annexure A4: True copy of the BSNL Voluntary Retirement Scheme, 2019.
- Annexure A5: True copy of the consent form, which was required to be signed by all the employees for processing of Annexure A4 Scheme.
- Annexure A6: True copy of the representation dated 11.3.2020 to the 2nd respondent.
- Annexure A7: True copy of the representation dated 16.3.2020 to the 2nd respondent.
- Annexure R7(a): True copy of salary certificate of applicant.
- Annexure R7(b): True copy of interim order dated 23.11.2020 in OP (CAT) No.207/2020.
- Annexure A8: True copy of the pay slip for the month of March, 2020 of the applicant.
- Annexure A9: True copy of the pay slip for the month of June, 2020 of the applicant.
- Annexure A10: True copy of the pay slip for the month of July, 2020 of the applicant.
- Annexure A11: True copy of the marriage invitation in respect of applicant' daughter.