

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD

O.A. No: 1431/92 of 199

T.A. No: of 199

DATE OF DECISION: 8.9.93
18.9.93

Malka PETITIONER.

ADVOCATE FOR THE
PETITIONER

V E R S U S

Union of India and others RESPONDENTS

ADVOCATES FOR THE
RESPONDENTS

CORAM:-

The Hon'ble Mr. MAHARAJDIN MEMBER(J)

The Hon'ble Mr. _____

1. Whether Reporters of local papers may be allowed to see the judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgement?
4. Whether to be circulated to all other Benches?

No

Munim
SIGNATURE

JAYANTI/

THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH ALLAHABAD



S.A. NO. 1431 of 1992

Union ... Applicant
Vs
Union of India and others ... Respondents
-1-2-10-1-1-

HON'BLE MR. JAGMOHAN, MEMBER-J

This application has been moved by the applicant seeking the relief to issue direction to the respondents to pay all retiral benefits such as gratuity and leave encashment etc. to the applicant.

The applicant was admittedly employed as ~~affidavit~~ who sought voluntary retirement on 28-10-1991 on the ground of her illness. The retiral dues are not paid to the applicant for which the respondents had taken the plea that certain outstanding amount was to be adjusted out of the amount of retiral benefits. The respondents in para 24 of the Counter Affidavit has shown that the amount of the retiral benefits which is to be paid to the applicant is disclosed and in the latter ^{part} paragraph the outstanding amount recoverable from the applicant is shown. The outstanding amount recoverable from the respondents includes overpayment of pay and DA etc, balance of house-rent, balance of electricity bills and deduction of co-operative loans. Such recoveries and balance adjustment in the retiral benefits cannot be made without giving notice to the applicant

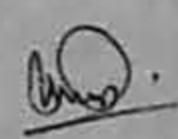
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as well as an opportunity to explain.

The respondents, however, admit that the retiral benefits are due to be paid to the applicant after making adjustment of the outstanding amount recoverable from the applicant. It has been contended by the learned counsel for the respondents that if the payment of the retiral benefits without adjustment of dues are made to the applicant, then it would not be possible to make any recovery from the applicant. Thus taking into account the contention of the learned counsel for the applicant the respondents are directed to complete the procedure such as by issuing the show cause notice about the deductions which are proposed to be made from the retiral benefits and work out and make final payment of the retiral benefits after adjustment of the dues within a period of three months from the date of communication of this order.

There will be no order as to cost.



MEMBER-J

Dated: Allahabad, September 08, 1993.

(VKS PS)
