

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

~~XXXXXXXXXXXXXXXXXXXX~~

NEW BOMBAY BENCH

~~XXXXXXXX~~

198

T.A. No. 394/87

DATE OF DECISION 20-4-1988.Shri N.K. Vishwanathan. Dombivli. PetitionerMr. K.R. Jadhav. Advocate for the Petitioner(s)

Versus

Union of India, thr. the Secy. Min. of
Transport, Deptt. of Riys. Govt. of India, Respondent
New Delhi. & 1 ANOTHER.Mr. V.G. Rege. Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. J.G. RAJADHYAKSHA, MEMBER(A)

The Hon'ble Mr. M.B. MUJUMDAR, MEMBER(J)

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. Whether it needs to be circulated to other Benches of the Tribunal? *No*

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY

Tr. Application No.394/87

Shri N.K. Vishwanathan,
C/o. Shri K.R. Jadhav,
Advocate,
Opp. Tilak Nagar High School,
Dombivli (E), Dist. Thane.

.. Applicant.

V/s.

1. Union of India
through
The Secretary,
Ministry of Transport,
Department of Railways,
Government of India,
NEW DELHI.

2. The General Manager,
North Frontier Railway,
(N.F. Railway), Maligaon,
Gauhati (Assam).

.. Respondents.

Coram: Hon'ble Member(A) Shri J.G. Rajadhyaksha
Hon'ble Member(J) Shri M.B. Mujumdar.

Appearances :

1. Mr. K.R. Jadhav,
Advocate for the
Applicant.
2. Mr. V.G. Rega,
Advocate for the
Respondents.

ORAL JUDGMENT

Dated: 20.4.1988

{ Per M.B. Mujumdar, Member(J) }

The applicant, Shri N.K. Vishwanatham, had filed an application before the Guwahati Bench of this Tribunal which was numbered as Guwahati Case No. 60 of 1987. On the request of the applicant, it is transferred to this Tribunal by the Principal Bench of the Tribunal.

2. In May, 1960, the applicant was appointed as Works-Mistry at Narangi by the Executive Engineer-III, Brahmaputra Bridge Project, Pandu, North Frontier Railway. By letter dated 20.9.1977 he submitted his resignation requesting that he may be relieved from railway service paying the dues to which he was entitled. The resignation was not accepted for a long time though the reasons for the delay are not relevant in view of the order which we are passing. After the application was filed, the resignation was accepted w.e.f. 20.9.1977 by the letter dated 15.9.1987.

3. Mr. Rege the learned advocate for the respondents was requesting for time to file the written statement as he has not received instructions. But Mr. Jadhav, the learned advocate for the applicant stated that the applicant will be satisfied if his Provident Fund amount is paid with interest due to him according to rules. The Railway Manager, North Frontier Railway, Lumding has already written a letter to the applicant on 10.9.1987 requesting him to indicate the mode of payment in certain proforma and returning the same immediately for the purpose of settlement dues. In the same letter, the applicant was informed that he is entitled to Provident Fund amount only. Along with the letter, copies of three forms were enclosed. It appears that the applicant had not returned the forms duly filled in because of the pendency of this case.

4. As the claim is now restricted to Provident Fund only, we pass the following order :

- (1) The Respondents shall pay the Provident Fund amount due to the applicant along with interest due to him upto the date of payment according to rules.
- (2) If apart from Provident Fund any other arrears are due to him according to rules, the same shall also be paid to him.
- (3) The applicant shall fill up the forms which were sent to him along with the letter from the Divisional Railway Manager, dated 10-9-1987.
- (4) The Respondents shall pay the Provident Fund amount along with the interest due to him according to rules within three months from receipt of the forms by the office of the DRM, N.F. Railway, Lumding.
- (5) The application is disposed of with no order as to costs.

(J. G. RAJADHYAKSHA)
MEMBER(A)

(M. B. MUJUMDAR)
MEMBER(J)