

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

8888888888888888

O.A. No. 475/87
Date: 25/4/1988

198

DATE OF DECISION 25/4/1988

Shri Eknath Sonawane.

Petitioner

Applicant in person.

Advocate for the Petitioner(s)

Versus

General Manager, Telecom, Maharashtra Circle, Respondent
G.P.O. Building, BOMBAY. & 1 ANOTHER.

Shri S.R. Atre for Mr. P.M. Pradhan.

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. L.H.A. REGO, MEMBER(A)

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

1. Whether Reporters of local papers may be allowed to see the Judgement? *Y*
2. To be referred to the Reporter or not? *N* *O*
3. Whether their Lordships wish to see the fair copy of the Judgement? *N* *O*
4. Whether it needs to be circulated to other Benches of the Tribunal? *N* *O*

(8)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY

O.A.475/87

Shri Eknath Sonawane,
260, Sahayog Nagar,
Nanded - 431 602.

.. Applicant

vs.

1. General Manager,
Telecom,
Maharashtra Circle,
G.P.O. Building,
BOMBAY.

2. Senior Superintendent,
Telegraph Traffic,
Kenna Chowk,
Padmashali Bhavan,
SOLAPUR.

.. Respondents.

Coram: Hon'ble Member(A) Shri L.H.A. Rego.

Hon'ble Member(J) Shri M.B. Mujumdar.

Appearances :

1. Applicant in person.
2. Shri S.R. Atre
(for Shri P.M. Pradhan)
Advocate for the Respondents.

ORAL JUDGMENT

DATE : 25/4/1988-

(PER M.B. MUJUMDAR, MEMBER(J))

The applicant, Eknath Sonawane, has filed this application under Section 19 of the Administrative Tribunals Act, 1985 for directing the respondents to relieve him from his duties in pursuance to his notice for voluntary retirement and to pay him a compensation of Rs.37,000/-.

2. The relevant facts for the purpose of this judgment are these : On 15-12-1964 the applicant was appointed as Clerk in the Telegraph department at Solapur. At the relevant time he was working as Telegraphist in the Telegraph Department at Nanded. On 1-10-1986 he sent a three months' notice to the respondents expressing his desire to retire voluntarily from service with effect from 1-1-1987. By letter dtd. 13-11-1986 from the Senior Superintendent, Telegraph Traffic Division, Solapur, the applicant was allowed

to retire voluntarily from service with effect from 1-1-1987. However, by another letter dtd. 26-12-1986 the said letter dtd. 13-11-1986 was cancelled. By his letter dtd. 5-1-1987 the applicant requested to allow him to retire from 1-1-1987. The respondents did not reply to that letter. Thereafter the applicant sent letters dtd. 19-2-1987, 6-4-1987, 4-5-1987, 19-6-1987 and 20-6-1987 requesting the authorities to inform him the reasons as to why letter dtd. 13-11-1986 was cancelled. He had also sent a notice dtd. 12-5-1987 under Section 80 of the Civil Procedure Code threatening to take action against the respondents if he was not relieved from service in pursuance to his request for voluntary retirement. The respondents did not sent reply to most of the notices but they had sent one reply dtd. 19-6-1987 i.e. a few days before the present application was filed by the applicant. As already stated the applicant had requested for directing the respondents to relieve him from the Government duties and for paying him a compensation of Rs.37,000/-. By an application given today the applicant has requested that he has suffered more loss and he should be paid a compensation of Rs.51,000/-.

3. The respondents have filed their written statement. They have given reasons as to why the permission to retire given to the applicant was subsequently withdrawn. Today they have produced the copy of the order dtd. 20-4-1988 passed by the G.M. Telecom, Maharashtra Circle, Bombay permitting the applicant to retire voluntarily with effect from 23-4-1988. The respondents have resisted the claim of the applicant for compensation.

4. We have heard the applicant in person and Mr. S.R. Atre for Mr. P.M. Pradhan, Advocate for the respondents.

5. The applicant very fairly showed us a copy of the FIR filed by one Vijaykumar Totaram Vasaikar, Telegraph Master working in the telegraph office at Nanded against the applicant and two others. The FIR was under sections 468,408,420 read with 34 and Section 27 of the Indian Telegraph Act. The grievance of Vasaikar was that the applicant and two others had charged Rs.47/- as late fee and prepared bogus record. It was in view of this FIR

that the permission granted to the applicant to retire voluntarily was withdrawn by cancelling the letter dt. 13-11-1986. After necessary investigation the police proposed to the Chief Judicial Magistrate at Nanded grant of 'A' Summary as the case was not fit for being sent to Court. The learned Chief Judicial Magistrate sent 'A' Summary on 7-12-1987. It was after this order that the authorities have reconsidered the case and accepted the request of the applicant for voluntary retirement.

6. We may point out that the applicant has accordingly retired with effect from 23-4-1988. Hence his first prayer is now fulfilled. He was working till that date and he has received salary upto the end of March, 1988. We have no doubt that he will get his arrears of pay from 1-4-1988 to 23-4-1988 in due course. We hope that the respondents will fix his pension and retirement dues to him as early as possible.

7. Coming to the second prayer of the applicant for compensation, we may point out that the respondents had withdrawn the permission to retire and cancelled the letter dtd. 13-11-1986 because of the FIR lodged by his colleagues viz. Vijaykumar Totaram Vasaikar. When FIR was lodged and the offence was registered we do not think that the respondents have committed any grave error in withholding the permission granted to the applicant for voluntary retirement. Hence in our view the applicant is not entitled to claim compensation from the respondents. If he so desire he may take proper action against the said Vijaykumar Totaram Vasaikar. Then it is interesting to note on what basis the applicant has claimed the compensation. According to him his younger brother had started a Marathi weekly by name "Lok Netrutva" 4 or 5 years back and also installed a printing press at Nanded three years ago. According to the applicant if he could have retired voluntarily from 1-1-1987 he could have helped his younger brother in improving efficiency of the press and stepping up the sale of the above weekly. However, he could not do so because of the cancellation of the letter dtd. 13-11-1986. That is why he has asked for compensation of Rs.51,000/- from the respondents. But as already pointed out the respondents were not unjustified in revoking the permission granted to the applicant to retire voluntarily. Moreover after the permission was withdrawn the applicant has worked upto 23-4-1988. He will get his salary upto that date

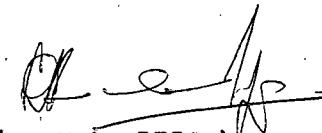
(11)

-: 4 :-

and in all probability he will also get more pension because he has worked upto that date. We, therefore, feel that the applicant will not be entitled to get any compensation from the respondents.

8. However, we are inclined to award some costs of the application as the applicant has come to this Tribunal from Nanded for 5 or 6 times. As the respondents have allowed him to retire voluntarily by their letter dtd. 20-4-1988 i.e. more than 8 months after the application was filed we feel that the applicant should be given cost. We quantify the cost at Rs.500/-.

9. We, therefore, reject the claim for compensation in para 7(2) of the application. The claim for directing the respondents to relieve him from service in pursuance to his request for voluntary retirement in clause 7(1) of the application is granted by the respondents by their letter dtd. 20-4-1988. However, as that claim is granted long after the application was filed we direct that the respondents shall pay Rs.500/- as cost to the applicant within three months from the date of receipt of copy of this order.


(L.H.A. REGO) 25-4-88
MEMBER(A)


(M.B. MUJUMDAR)
MEMBER(J)