

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH, BANGALORE

DATED THIS THE EIGHTEENTH DAY OF NOVEMBER 1986

Present: Hon'ble Shri Justice K.S.Puttaswamy .. Vice Chairman

Hon'ble Shri L.H.A.Rego

.. Member (A)

APPLICATION NO.31/86

A.V.SUNDARAM (RETD.),
S/o A.S.V.MURTHY,
No.48, Central Avenue,
I.T.I.Colony, Bangalore 16. .. Applicant
(Shri M.Narayanaswamy.. Advocate)

Vs.

1. The General Manager,
Southern Railway,
Madras.
2. The Divisional Railway Manager,
Southern Railway, Bangalore
City Bangalore.
3. The Divisional Personnel Officer,
Southern Railway,
Bangalore. .. Respondents

(Shri M.Sreerangaiah..Advocate)

This application came up for hearing before Court
today, Hon'ble Vice Chairman makes the following:

O R D E R

In this application made u/s 19 of the Administrative
Tribunals Act, 1985 (the Act) the applicant has sought
for a direction to the respondents to settle the pensionary
benefits to which he is entitled to in law from the date
he retired from Railway Service viz., on 31.12.1984.

2. The applicant who initially joined service as a Clerk,
was working as a Head Clerk on 31.12.1984 which was his
age of normal retirement under the rules in force. In
that view the Divisional Railway Manager, SBC(DRM) on
20/24.11.1984 (Annexure B) very rightly permitted the

applicant to retire from service on 31.12.1984 from which date he has actually retired from service also. But still the respondents have not settled the pensionary and other terminal benefits due to the applicant under the relevant rules. Hence this application.

3. While the applicant was in service it appears there were more than one disciplinary proceeding instituted against him which were not completed for one or the other reason that are not necessary to notice in detail.

The respondents claim to conclude all of them and then only settle the pension and other benefits due to the applicant. After this application was made before this Tribunal the respondents have however granted a provisional pension of Rs.457/- to the applicant which he is drawing.

4. The respondents have resisted this application.

5. Shri M.Narayanaswamy learned counsel for the applicant contends that on his client retiring from service all earlier disciplinary proceedings even if they are all validly instituted, had come to an end and the authorities were bound to settle the final pension and other terminal benefits to which he was entitled to in law.

6. Shri M. Sreerangaiah learned counsel for the respondents contends that the disciplinary proceedings can be continued even after retirement and therefore the applicant was not entitled for settlement of pension and other terminal benefits.

5

7. Admittedly the DRM by his order dated 24.11.83 (Annexure B) has permitted the applicant to retire from service in pursuance of which he had also retired from service on 31.12.1984. When once a Government servant retires from service, the relationship of master and servant really ceases and therefore disciplinary proceedings even ~~validly~~ /if instituted except cases of recoveries for pecuniary losses sustained by the Government, cannot be continued against the former ~~af~~ Govt. servant at all.

8. We find that all the disciplinary proceedings instituted against the applicant were not for recovery of pecuniary losses caused to the Railway Administration. When once we hold that all the disciplinary proceedings instituted against the applicant were not for pecuniary losses and have come to an end, then it follows from the same, that the respondents are bound to settle the pensionary benefits due to the applicant without delay. We must therefore, issue appropriate directions to the respondents.

9. In the light of the above discussion we allow this application, direct the respondents to settle the pensionary and other benefits due to the applicant on his retirement from 31.12.1984 deducting the amounts already paid with all such expedition as is possible in the circumstances of the case and in any event within six months from the date of receipt of the order of this Tribunal.

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex(BDA),
Indiranagar,
Bangalore - 560 038

Dated : 14/9/87

C.A. ~~24/87~~ No. 24/87 ~~(1st)~~

~~W.P. No.~~ 10 A No. 31 (86(F)) /

Applicant A.V. Sundaram Vs GM, S. Rys, Madras and 2 Ors

To

1. Sri A.V. Sundaram,
A-8, Central Avenue,
I.T.I. Colony, Bangalore-16
2. Sri M. Narayana Swamy,
Advocate
No. 844, (Upstairs), V Block,
Rajaji Nagar, Bangalore-10
3. The General Manager,
Southern Railway,
Madras.
4. The Divisional Railway -
Manager,
Southern Railway,
Bangalore City, Bangalore
5. The Divisional Personal Officer
S. Railway, Bangalore.
6. Sri M. Sreedangarajiah,
Advocate,
S.P. Building,
No.10, Cubbonpet Road,
Bangalore-10.

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH IN

CONTEMPT APPLICATION NO. 24/87

Please find enclosed herewith the copy of the Order/~~Interim Order~~
passed by this Tribunal in the above said Application on 9.9.87.

Encl : as above.

[Signature]
DEPUTY REGISTRAR
SECTION OFFICER
(JUDICIAL)

Balu*

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH, BANGALORE

DATED THIS THE 9TH SEPTEMBER, 1987

Present: Hon'ble Justice Shri K.S. Puttaswamy, Vice-Chairman
Hon'ble Shri L.H.A. Rego, Member (A)

C.A.No.24/87

Sri A.V. Sundaram,
S/o.A.S.V. Murthy,
A-8, Central Avenue,
I.T.I Colony,
BANGALORE

Petitioner

(Shri M. Narayanaswamy..... Advocate)

1. The General Manager,
Southern Railway,
Madras.
2. The Divisional Railway Manager,
Southern Railway,
Bangalore City,
Bangalore.
3. The Divisional Personnel Officer,
Southern Railway,
Bangalore.

Contemnors

(Shri M. Sreerangaiah..... Advocate)

This application has come up for hearing
before this Tribunal to-day, Hon'ble Justice
Shri K.S. Puttaswamy, Vice-Chairman made the
following :

O R D E R

In this application made under Section
17 of the Administrative Tribunals Act, 1985
(the Act) and the Contempt of Courts Act of
1971, (1971 Act) the petitioner has moved
this Tribunal to punish the Contemnors for
the non-implementation of an order made in



his favour in A. No. 31/86.

2. Shri M. Srirangaiah, learned counsel for the Contemnors submits that the order made by this Tribunal had been complied by the Contemnors in letter and spirit and all payments due to the petitioner had been paid. Shri M. Narayanaswamy, learned counsel for the petitioner does not dispute the facts. But still he contends that the Contemnors in law, justice and equity were bound to pay interest on the amounts withheld and paid belatedly.

3. In the order made by this Tribunal, there is no direction for payment of interest on the amounts payable to the petitioner. If that is so, then we cannot hold that the non-payment of interest amounts to a disobedience of the order made by this Tribunal.

4. As noticed earlier, the order had been complied by the Contemnors. If that is so then these proceedings are liable to be dropped. We, therefore, drop these proceedings. But in the circumstances of the case, we direct the parties to bear their own costs.

Sd---

Sd---

(K.S. PUTTASWAMY) *g/t*
VICE-CHAIRMAN

(L.H.A. REGO) 19.9.87
MEMBER (A)

SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

sb.

True Copy

D.N. 668/88/_____/Sec.IVA

SUPREME COURT OF INDIA
NEW DELHI

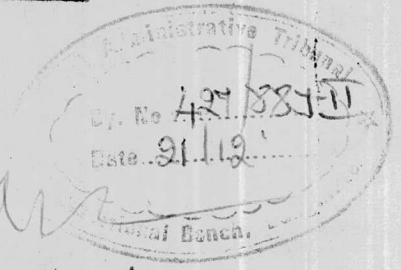
Dated 10th December, 1988

From:

The Additional Registrar,
Supreme Court of India.

To,

The Registrar,
Central Administrative Tribunal,
B.D.A. Complex, Indira Nagar,
Bangalore. 560 038.



PETITIONS FOR SPECIAL LEAVE TO APPEAL (CIVIL) NOS. 1689 OF 1988.
(Petitions under Article 136 of the Constitution of India for
Special Leave to Appeal to the Supreme Court from the
~~Judgment and Order~~ dated the 18th November, 1986 of the
~~High Court of~~
~~Karnataka~~ Central Administrative Tribunal, Bangalore
in Application No. 31 of 1986.)

The General Manager, Southern Railway,
Madras & Others.

.. Petitioner (S)

Versus.

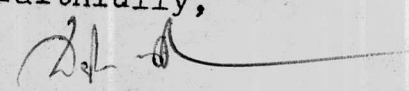
A. V. Sundaram.

.. Respondent (S)

Sir,

I am to inform you that the Petitions above-mentioned for
Special Leave to Appeal to this Court was/were filed on behalf
of the Petitioner above-named from the ~~Judgment and Order~~ of the
~~High Court of~~
~~Karnataka~~ Central Administrative Tribunal Bangalore
noted above and that the same was/were dismissed/disposed of
by this Court on the 5th day of December, 1988.

Yours faithfully,


for Addl. Registrar.

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
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Commercial Complex(BDA),
Indiranagar,
Bangalore - 560 038

Dated : 1-9-87

Review APPLICATION NO 112/1987 /~~86(XX)~~
in A.No.31/86

~~XXXXXXXX~~

Applicant

GM, S.Railway, Madras & ors. Vs A.V.Sundaram

To

1. The General Manager,
Southern Railway,
Park Town, Madras - 3
2. The Divisional Railway Manager,
Southern Railway, Rao Bahadur
Gubbi Thotadappa Road,
Bangalore - 23
3. The Divisional Personnel Officer,
Southern Railway, Rao Bahadur
Gubbi Thotadappa Road,
Bangalore - 23
4. Shri M.Sreerangiah,
Central Govt. Standing Counsel,
High Court Buildings,
Bangalore.

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER ~~/XXXXX~~

~~XXXXXXXXXXXX~~ passed by this Tribunal in the above said Review
application on 25-8-1987.

Encl : as above

A.V. Sundaram
Deputy Registrar
SECTION OFFICER
(JUDICIAL)

4 to file 31/86

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 25TH DAY OF AUGUST, 1987

Present: Hon'ble Shri Justice K.S. Puttaswamy, Vice-Chairman
and
Hon'ble Shri P. Srinivasan, Member (A)

REVIEW APPLICATION NO. 112/1987
IN
APPLICATION NO. 31/86

1. The General Manager,
Southern Railway,
Park Town, Madras.
2. The Divisional Railway Manager,
Southern Railway,
Rao Bahadur Gubbi Thotadaappa Road,
Bangalore.
3. The Divisional Personnel Officer,
Southern Railway,
Rao Bahadur Gubbi Thotadaappa Road,
Bangalore.

.... Applicants.

(Shri M. Sreerangaiah, Advocate)

v.

Shri A.V. Sundaram,
C/o A.S. Murthy,
No.43, Central Avenue,
I.T.I. Colony,
Bangalore.

.... Respondent.

This application having come up for hearing to-day,
Vice-Chairman made the following:

O R D E R

In this application made under Section 22(3)(f) of
the Administrative Tribunals Act, 1935, the applicants who
were the respondents in Application No.31/86 have sought
for a review of an order made by a Division Bench of this
Tribunal on 18.11.1986 substantially allowing the application
made by the respondent herein, who was the applicant therein.

2. In filing this Review Application there is a delay of 248 days. In I.A. No.1, the applicants have sought for condoning the said delay. I.A. No.1 is accompanied by an affidavit sworn to by one Shri Pitchaifraju, Divisional Personnel Officer, Bangalore Division, Southern Railway, Bangalore. In his affidavit, the deponent states that the delay was for the reason that the matter was under correspondence between the various officers and the Railway Board. Sri. M. Sreerangaiah, learned counsel for the applicants asks for condoning the delay.

3. We will even assume that the statements made by the deponent are correct. But all of them do not constitute a sufficient ground to condone the inordinate delay of 248 days in making the review application. In this view I.A. No.1 is liable to be rejected.

4. In the light of our above discussion, we hold that I.A. No.1 is liable to be rejected. We, therefore, reject the I.A. No.1. As a consequence we reject the review application without notice to the respondent.

Sd/-

Vice-Chairman

24/8/67

Sd/-

Member (A)

- True copy -

dns/Mrv.

B. V. Venkatesh
DEPUTY REGISTRAR
CENTRAL BOARD OF RAILWAYS
ADDITIONAL REGISTRAR
BANGALORE