

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

DATED THIS THE 22ND OCTOBER, 1986

Present: Hon'ble Shri Ch. Ramakrishna Rao, Member (J)

Hon'ble Shri P. Srinivasan, Member (A)

APPLICATION NO. 1652/86(T)

Venkatappa,
C/o Alapaiah Building, Post,
No.60, Peenya Village & Post,
Bangalore City.

Applicant

(Shri H.K. Vasudeva Reddy, Advocate)
Vs.

1. The General Manager (Personnel),
Southern Railway, Park Town,
Madras.

2. The Divisional Superintendent,
Southern Railway, Mysore-

3. The Divisional Personnel Officer,
Southern Railway, Mysore-

Respondents

(Shri N.S. Srinivasan, Advocate)

The application has come up for hearing before
this Tribunal, to-day, Member (A) made the following:

O R D E R

This application was initially filed as a writ petition in the High Court of Karnataka and was later on transferred to this Tribunal under section 29 of the Administrative Tribunal Act, 1985. The prayer in the application is to quash the order passed by the Divisional Personnel Officer, Southern Railway, to the effect that "all your settlement dues such as PF (own contribution and Govt. contribution with interest) and SC to PF amounts have already been paid to you at the time of your removal from service." It is also stated in the aforesaid order that no other amount is payable on settlement account. The applicant seeks a direction to the respondents

Ch. Ramakrishna Rao

to pay the retirement benefits due to him. and grant him appropriate relief.

The facts giving rise to the application as briefly as follows.

The applicant was working as Boiler Maker in the Southern Railway when he was removed from service by an order dated 5.9.1973. Aggrieved by this order the applicant filed a writ petition in the High Court which was disposed of with the observation that the matter may be considered by the General Manager, Southern Railway, leaving liberty to the applicant to move the High Court again if he is aggrieved by the decision of the General Manager. A sequel to this, the General Manager passed an order dated 11.8.81 which reduced the penalty of removal from service originally imposed on the applicant to one of compulsory retirement. This order passed by the GM reducing the penalty has become final. The controversy in this application is only regarding the terminal benefits payable to the applicant as a result of the order of compulsory retirement passed by the GM.

Shri P.C. Reddi on behalf of Shri H.K. Vasudeva Reddy learned counsel for the applicant submits that as a result of the reduction of the penalty, his client should have received the pension which has been denied by the respondent. Shri N.S. Srinivasan, learned counsel for the respondent, submits that the applicant opted for State Railway Provident Fund Rules as per his option exercised on 11.7.1964 and in view thereof he is not entitled to claim any pension since that would confer on him a double benefit.

After giving careful thought to the various provisions, we are satisfied that the option exercised by the applicant enables him to claim benefits available

under State Railway Provident Fund. According to the counsel for the respondent, all the amounts payable to the applicant in terms of the aforesaid provisions have already been paid to the applicant. So far as gratuity is concerned, Shri Srinivasan has clarified that 'SC to PF' referred to in Annexure C, which means 'Special Contribution to Provident Fund', is only in the nature of gratuity and since the payment already made in terms of his option covers 'SC to PF' no further amount is payable on account of gratuity.

We agree with this submission made by Shri Srinivasan. However, we direct the respondents to verify whether all the amounts payable in terms of the option already exercised by the applicant have actually been paid and if anything is still payable the payment may be effected within 31.12.1986.

In the result the application is dismissed subject to the observations made above.

Ch. Ramakrishna Rao

(CH. Ramakrishna Rao)
Member (J)

P. Srinivasan

(P. Srinivasan)
Member (A)