

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
.....

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

Dated: 17-11-87

APPLICATION NO 871 /8 7(F)

W.P.No. _____

APPLICANT

Vs

RESPONDENTS

Shri S.G. Kulkarni

To

The GM, Telecommunication, Karnataka Circle
Bangalore & another

1. Shri S.G. Kulkarni
S/o Shri G.A. Kulkarni
R/O Nagnur
(Via) Mudligi
Gokak Taluk
Belgaum District
2. Shri M. Raghavendra Achar
Advocate
1074-1075, Banashankari I Stage
Bangalore - 560 050
3. The General Manager
Telecommunication
Karnataka Circle
Bangalore - 560 009
4. The Accounts Officer
Tele-Com Accounts
Karnataka Circle
Bangalore
5. Shri M. Vasudeva Rao
Central Govt. Stng Counsel
High Court Buildings
Bangalore - 560 001

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH

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

~~INTERIM ORDER~~ passed by this Tribunal in the above said application
on 13-11-87.

RECEIVED

Diary No. 1442/SP/87

Signed Date: 18-11-87

Encl: as above.

DEPUTY REGISTRAR
(JUDICIAL)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: BANGALORE

DATED THIS THE THIRTEENTH NOVEMBER, 1987

Present: Hon'ble Shri P. Srinivasan ... Member (A)
Hon'ble Shri Ch. Ramakrishna Rao ... Member (J)

APPLICATION NO. 871/87

Shri S.G. Kulkarni
S/O. G.A. Kulkarni
Major,
R/O. Naganur
Gokak Taluk
Belgaum Dist.

... Applicant

(Shri M.R. Achar, Advocate)

Vs.

1. The General Manager
Tele Communication
Karnataka Circle
Bangalore.
2. The Accounts Officer
Tele Com Accounts
Karnataka Circle
Bangalore

... Respondents

(Shri M. Vasudeva Rao, Advocate)

This application has come up for hearing before the Tribunal today, Hon'ble Shri P. Srinivasan, Member (A), made the following:

ORDER

The applicant before us was compulsorily retired from service with effect from 7.6.1976 when he was working as a Telegraphist in the Posts and Telegraphs Department in Belgaum Division. By an order dated 4.9.1986 in A.No. 194 of 1986 this Tribunal

P. Srinivasan

....2/-



quashed the order by which the applicant was compulsorily retired, directed the respondents to reinstate him in service from 7.6.1976 and to give him all financial benefits flowing therefrom except for the period from 7.6.1976 to 3.8.1979. In compliance with this order, the applicant was duly reinstated in service with effect from 7.6.1976. He superannuated in the normal course on 31.12.1985. The grievance of the applicant in this application is that instead of working out and giving the financial benefits due to him as a result of the order of this Tribunal in A.No.194 of 1986, respondent-2 had directed that pension and other terminal benefits paid to the applicant as a result of the earlier order retiring him from service from 7.6.1976 be recovered from him.

2. Shri M.R. Achar, learned counsel for the applicant submits that the respondents should be asked to work out the terminal benefits due to the applicant on his superannuation with effect from 31.12.1985 and from the amounts so arrived at, the amount already paid to him when he was compulsorily retired with effect from 7.6.1976 be adjusted, instead of the latter amount being recovered from him.



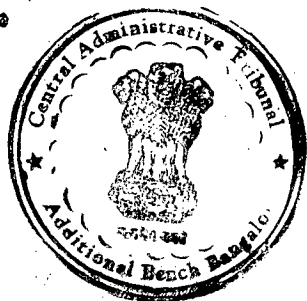
P. S. Achar

.....3/-

3. Shri M. Vasudeva Rao, learned counsel for the respondents clarifies that it was not the intention of the respondents to recover the amounts paid to him earlier in cash. The word 'recovery' was used in the impugned letter dated 31.8.1987 (Annexure-A) only to mean that whatever amounts had been paid to him earlier would be recovered by adjustment against the amounts payable to him on superannuation and that no cash recovery was contemplated.

4. In view of the clarification of counsel for the respondents, the grievance of the applicant no longer survives for consideration. It has been clarified that the respondents are working out the amounts due to the applicant on his superannuation in the normal course and as soon as it is done, payment will be made after deducting the amounts already paid as a result of the earlier order compulsorily retiring him from service.

5. In the result, the application is dismissed as having become unnecessary subject to the observations made above. Parties to bear their own costs.



mr.

Sd/-
MEMBER (A)

Sd/-
MEMBER (J)

- True copy -

[Signature]
DEPUTY REGISTRAR
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE