

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

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

Dated: 17-11-87

APPLICATION NO 871 /87(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 Nagur  
(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 on 18/11/87

Diary No. 1442/87

⑥

18/11

Entered Date: 18-11-87

DEPUTY REGISTRAR  
(JUDICIAL)

Encl: as above.

8/2

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:

O R D E R

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. S. - 6

... 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.

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) 15111

Sd/-  
MEMBER (J)

-True Copy-

*R. Venkatesh Rao*  
DEPUTY REGISTRAR  
CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH  
BANGALORE