

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

** * * * * * *

Commercial Complex (BDA)
Indiranagar
Bangalore - 560 038

Dated : 8 JUN 1988

APPLICATION NO

894

/ 87(F)

W.P.A. NO.

Applicant

Shri N. K. Sheshadri

To

1. Shri N.K. Sheshadri
Senior Engineer (Civil)
Bharat Electronics Ltd.,
Plot No. L-1, M.I.D.C.
Industrial Area
Taloja
Raigarh District
Maharashtra

2. Shri S. Rangantha Joshi
Advocate
36, 'Vagdevi'
Shankarapura
Banagalore - 560 004

3. The Secretary
Ministry of Communications
Sanchar Bhavan
Ashoka Road
New Delhi - 110 001

Respondent

V/s The Secretary, M/o Communications, New Delhi
& 2 Obs

4. The Superintending Engineer
P & T Circle
No. 9, Infantry Road
Bangalore - 560 001
5. The Director General
Department of Telecommunications
Sanchar Bhavan
Ashoka Road
New Delhi - 110 001
6. Shri M. Vasudeva Rao
Central Govt. Stng Counsel
High Court Building
Bangalore - 560 001

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/8XXX/8XXXXX8888
passed by this Tribunal in the above said application on 31-5-88

cc - By *Verbal* *order*
DEPUTY REGISTRAR
(JUDICIAL)

Encl : As above

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH BANGALORE

DATED THIS THE 31st DAY OF MAY 1988

Coram : Hon'ble Justice Sri K.S.Puttaswamy - Vice Chairman
Hon'ble Sri L.H.A. Rego - Member (A)

APPLICATION No. 894/87

N.K. Sheshadri
Senior Engineer (Civil)
Bharat Electronics Ltd.,
Plot No.L-1, M.I.D.C.,
Industrial Area, Taloja,
Raigarh District Maharashtra - Applicant

(S/Shri H.Subrahmanyam Jois &
S. Ranganatha Jois, Advocates)

v.

1. The Union of India, represented by its
Secretary, Ministry of Communications,
Sanchar Bhavan, Ashoka Road,
New Delhi 110001

2. The Superintending Engineer,
P & T Circle,
No.9, Infantry Road, Bangalore 1

3. The Director General,
Department of Telecommunications,
Sanchar Bhavan, Ashoka Road,
New Delhi 110 001 - Respondents

(Sri M. Vasudeva Rao, A.C.G.S.C.)

This application came up for hearing before
this Tribunal to-day and Hon'ble Justice Sri K.S. Puttaswamy,
Vice Chairman made the following

O R D E R

This is an application made by the applicant u/s 19
of the Administrative Tribunals Act, 1985 ('Act').

2. The applicant initially joined service in 1969 as a
Junior Engineer ('JE') in the Posts & Telegraphs Department,
('P & T'), Government of India. He was later promoted as
Assistant Engineer ('AE') on ad hoc basis.

3. While working as AE in the P & T, the applicant applied for the post of Senior Engineer (Civil) in Bharat Electronics Ltd ('BEL'), a public sector undertaking of Government of India to which he was selected. On his selection, he was relieved in the P & T on 17.10.1981 (AN) in pursuance of an order made on 14.10.1981 (Exhibit A1) and thereafter he has joined service in BEL.

4. While working in BEL, the applicant tendered technical resignation to the post of AE in the P & T on 5.12.1983 and requested for payment of pension and other retirement benefits due to him thereto under the Rules and orders regulating the same. On 4.11.1986 Government had rejected the same. Hence this application.

5. In resisting this contention, respondents have filed their reply.

6. Sri S. Ranganatha Jois, learned counsel for the applicant contends that on the technical resignation tendered, the applicant was entitled to pension and other retirement benefits in terms of the Rules and orders regulating the same.

7. Sri M. Vasudeva Rao, learned A.C.G.S.C., sought to support the impugned order of Government on the very reasons stated therein and other reasons.

8. When the applicant applied for the post of Senior Engineer (Civil) in BEL, he had rendered more than 10 years of service and was therefore qualified for pension. He had also applied for the post in a public sector undertaking of Govt with due notice and permission, in recognition of which only he was relieved by the competent authority to

join service in BEL. In such cases, the Rules and orders made by the Government from time to time, provide for tendering technical resignation in the parent department and for payment of pro rata pension, for the service rendered in the Government. On the applicant or his new employer making necessary pensionary contribution, Govt was bound to allow pension and other retiral benefits to the applicant.

9. When the applicant was permitted to join service, one of the conditions stipulated by the authority on pension contribution reads thus :

"While on foreign service, the officer himself (or BEL) will pay to the P & T Department leave salary and pension contribution separately at the rates in force from time to time in accordance with the orders issued by the President under FR 116, for the period of foreign service. The official will not be allowed to join any pension scheme of the BEL. Subject to the confirmation of Accounts concerned the provisional rates of leave salary and pension contribution recoverable from the officer himself or BEL will be as under :-

(a) Leave salary contribution : 11% of pay drawn p.m.
(b) Pension contribution : Rs.50 pm tentatively

The contributions may be paid annually within 15 days from the end of each financial year or at the end of the foreign service if the deputation on foreign service expires before the end of a financial year. If the payment is not made within the said period, interest must be paid to Government on the unpaid contribution at the rate of two paise per day per Rs.100/- from the date of expiry of the period aforesaid upto the date on which the contribution is finally paid."



The denial of pension by Govt was on the ground that the contributions had not been paid by the applicant or the BEL. If that is so, then Govt was justified in doing so.

10. But Sri Jois without disputing the non-payment of contributions, offers to make those payments with interest thereon.

11. The very order permitting the applicant to join BEL, provides for payment of interest for delayed payment of the contributions. In this view and otherwise also, the offer made by Sri Jois calls for acceptance.

12. We consider it proper to grant two months' time, to determine the amounts due from the applicant and inform him of the same and grant six months' time thereafter to the applicant to make payment of the same.

13. In the light of our above discussion we make the following orders and directions.

1. We quash order No. 35/5/81-CWG dated 4.11.86 (Annexure C).
2. We permit respondents and ~~its~~ ^{its} Chief Accounts Officer, Telecommunications Accounts, Bangalore, to determine the amounts payable by the applicant towards contributions with all such expedition ^{as of 6 weeks} as is possible in the circumstances and in any event, within two months from the date of receipt of this order and communicate the same to the applicant. We permit the applicant to make full payment of these amounts to Govt within six months from the date of receipt of such communication and on such payment only, the respondents are directed to determine the pension and other retirement benefits due to the applicant and make their payment to him in accordance with the Rules and orders regulating the same. But if the applicant fails

to make payment of the amounts determined, within the time permitted by us, then this application shall stand dismissed without further orders.

14. Application is disposed of in the above terms. But in the circumstances of the case, there shall be no order as to costs.

Sd/-

(K.S. Puttaswamy)
Vice Chairman

Sd/-

(L.H.A. Rego)
Member (A)

TRUE COPY



R.A. Venkatesh
DEPUTY REGISTRAR (JDL) 8125
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

5/5
8/6

Received

*Putra P
SL
GJG*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE

Appl. No. 894 of 1987



Between:

N. K. Seshadri

.. Applicant

And

The Secretary, .. Respondents
Min. of Communication & ors

I N D E X

Sl. No.	Description	Pages
1	Application 1 Reply on behalf of respondents for extension of time.	1 - 2

Bangalore

Dt: 8th Aug, 1988

Officer

ADDL. CENTRAL GOVT. STANDING COUNSEL

&

ADVOCATE FOR RESPONDENTS.

R - 150
9/8/88

Very New

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

I.A. NO.

in

Appln. No. 894 of 1987

Between:

N. K. Shaeshadri

.. Applicant

And

The Secretary,
Ministry of Communication,
& others

.. Respondents.

APPLICATION FILED BY THE RESPONDENTS
FOR EXTENSION OF TIME.

The respondents in the above application submit
as follows:

1. This Hon'ble Tribunal was pleased to allow
the above main application on 31.5.1988 and granted
two months time to comply with the same from the date
of the receipt of the order. The order of the Hon'ble
Tribunal was received by the respondents on 13.6.1988 and
the time granted expires on 12.6.1988. 12.8.1988

2. The Chief Accounts Officer was directed to
determine the amount payable by the applicant towards
the pension and leave salary contribution within two
months from the date of the receipt of the order, ie.,
13.6.1988.

3. It is respectfully submitted that the Chief Accounts Officer could not do the same ~~intx~~ in time due to some administrative difficulties. Besides, he has called for some more information required from the Bharat Electronics Ltd., regarding the pay and allowances drawn by the applicant from 19.10.1981 to 31.5.1988. ~~now~~ Hence there is delay in determining the date upto which the applicant was on foreign service, and naturally time consuming work is involved.

Under the facts and circumstances stated above, this Hon'ble Tribunal may be pleased to extend time by a further period of six months from 12.8.1988 in the interest of justice.

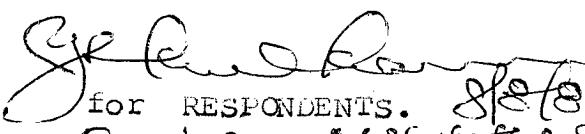
Bangalore
8th Aug., 1988


for RESPONDENTS 8/8/88

verification

I, G.L. Kulkarni, Engineer Asstt. Office Safety, Engineer, Postal Civil Circle, Bangalore 560020, do hereby on my own behalf and on behalf of the respondents verify and state that what is stated above is true to the best of my knowledge and information.

Bangalore
8th Aug 1988


for RESPONDENTS 8/8/88
Engineer Asstt. Office Safety,
Engineer, Postal Civil Circle, Bangalore
560020

Bangalore
8th Aug 1988

ADDL. CENTRAL GOVT. STANDING COUNSEL
&
COUNSEL FOR RESPONDENTS.

60 Pgs each

FORM I

(See Rule 4)

APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE TRIBUNALS ACT, 1985

For use in Tribunals office

DATE OF FILING

OR

DATE OF RECEIPT

BY POST

REGISTRATION NO

SIGNATURE

REGISTRAR

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ADDITIONAL BENCH
INDIRA NAGAR COMPLEX BANGALORE - 560038

BETWEEN

Shri G. ULLASAN DEVARAJU
HQ WING ASC CENTRE (SOUTH)
AGRAM POST
BANGALORE - 560007

APPLICANT

AND

Union of India represented by

The Commandant
HQ ASC Centre (South)
Agram Post
Bangalore - 560007

Respondent No 1

MG ASC
HQ Southern Command
PUNE - 411001

Respondent No 2

The Adjutant General
Org 4 (Civ) (b)
Army HQ, DHQ P O
NEW DELHI - 110011

Respondent No 3

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex (BDA)
Indiranagar
Bangalore - 560 038

Dated : 16 AUG 1988

IA I IN APPLICATION NO.

894

/87(F)

W.P. NO.

Applicant(s)

Shri N.K. Seshadri
To

1. Shri N.K. Seshadri
Senior Engineer (Civil)
Bharat Electronics Ltd.,
Plot No. L-1, M.I.D.C.
Industrial Area
Taloja
Raigarh District
Maharashtra
2. Shri S. Ranganatha Jois
Advocate
36, 'Vagdevi'
Shankerapuram
Bangalore - 560 004
3. The Secretary
Ministry of Communications
Sanchar Bhavan
Ashoka Road
New Delhi - 110 001

Respondent(s)

V/s The Secretary, M/o Communications, New Delhi
& 2 Ors

4. The Superintending Engineer
P & T Circle
No. 9, Infantry Road
Bangalore - 560 001
5. The Director General
Department of Telecommunications
Sanchar Bhavan
Ashoka Road
New Delhi - 110 001
6. Shri M. Vasudeva Rao
Central Govt. Stng Counsel
High Court Building
Bangalore - 560 001

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER ~~REPLY~~ ORDER
passed by this Tribunal in the above said application(s) on 11-8-88.

*Received
L. N. D.
17-8-88*

Encl : As above

*for DEPUTY REGISTRAR
(JUDICIAL)*

**In the Central Administrative
Tribunal Bangalore Bench,
Bangalore**

N.K. Sheshadri

v/s The Secretary, M/o Communications,

New Delhi & 2 Ora

Order Sheet (contd) 894/87.

S. Ranganatha Jois

M. Vasudeva Rao

Date	Office Notes	Orders of Tribunal
8/88		<p>KSPVC/PSM(A) 11.8.88.</p> <p><u>Orders on I.A.No.1:</u></p> <p>In this IA, the respondents have sought for extension of time by another six months from the date of expiry of the original time granted by us on 31.5.1988.</p> <p>Shri M. Vasudeva Rao, learned Addl. CGSC, appearing for the respondents, urges for grant of the time sought for in the IA.</p> <p>Shri S. Ranganatha Jois, learned counsel for the applicant, vehemently opposes the grant of time sought for in the IA.</p> <p>We have carefully read the application and read our earlier order.</p> <p>We are satisfied that the facts and circumstances of this case justify us to grant a reasonable time extension of time. We are of the view that on the facts and circumstances of the case, it would be reasonable to grant another extension of time till 30.9.1988 to comply with our earlier order.</p> <p>We, therefore, allow I.A.No.1 and extend time for complying with our directions till 30.9.1988.</p> <p>I.A.No.1 is disposed of in the above terms. But in the circumstances of the case, we direct the parties to bear their own costs.</p>



dms.

Sd/-

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TRUE COPY

Sd/-

M(A)

Hari
FOR DEPUTY REGISTRAR (JD)
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE