

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH  
\*\*\*\*\*

Commercial Complex (BDA)  
Indiranagar  
Bangalore - 560 038

Dated : 29 SEP 1988

APPLICATION NO. 282 / 88(F)

W.P. NO. \_\_\_\_\_

Applicant(s)

Shri V. Sunderarajan

To

Respondent(s)

V/s The Divisional Railway Manager, Southern Railway,  
Bangalore & another

1. Shri V. Sunderarajan  
No. 7, Moore Road  
1st Cross, Frazer Town  
Bangalore - 560 005
2. Shri C.N. Bhaktavatsalu  
Advocate  
No. 28, Raja Snow Building  
Subedar Chattram Road  
Bangalore - 560 020
3. The Divisional Railway Manager  
Southern Railway  
Bangalore Division  
Bangalore - 560 023
4. The Divisional Commercial Superintendent  
Southern Railway  
Bangalore Division  
Bangalore - 560 023
5. Shri M. Sreerangaiah  
Railway Advocate  
3, S.P. Building, 10th Cross  
Cubbanpet  
Bangalore - 560 002

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(s) on 16-9-88.

*BA. Venkatesh*  
DEPUTY REGISTRAR  
(JUDICIAL)

*466ed*  
*u. m. j.*  
*29-9-88*  
Encl : As above

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE

DATED THIS THE 16TH DAY OF SEPTEMBER, 1988

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

APPLICATION NO. 282/1988

Shri V. Sunderarajan,  
S/o V. Vinayaka Murthy,  
Aged 59 years,  
Commercial Clerk, Gr-II,  
Krishnarajapuram,  
Railway Station,  
Bangalore.

.... Applicant.

(Shri C.M. Bhaktavatsalu, Advocate)

v.

1. The Divl. Railway Manager,  
Southern Railway,  
Bangalore.

2. The Divl. Comml. Superintendent,  
Southern Railway,  
Bangalore.

.... Respondents.

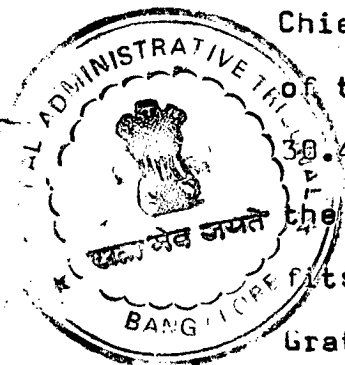
(Shri M. Sreerangaiah, Advocate)

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

ORDER

This is an application made by the applicant under  
Section 19 of the Administrative Tribunals Act, 1985 (Act).

2. Prior to 30.4.1986, the applicant was working as a  
Chief Commercial Clerk at Krishnarajapuram Railway Station  
of the Southern Railway. He has retired from service on  
30.4.1986 on attaining superannuation. On such retirement,  
the pension admissible to him and all other terminal bene-  
fits, except the terminal benefit of Death-cum-Retirement  
Gratuity ('DCRG') admissible under the Rules has not been  
paid to him inspite of more than one demand. Hence, this  
application.



3. The applicant has urged that the withholding and non-payment of DCRG was wholly unjustified and illegal.

4. In their reply, the respondents have asserted that in connection with loss of 'Railway Tickets' of the value of Rs.27,724/- which were in the custody of the applicant, vigilance investigation was pending and till that is completed, the DCRG due to him cannot be paid.

5. Shri C.N. Bhaktavatsalu, learned counsel for the applicant contends that the withholding and non-payment of DCRG was without any justification and the reason pleaded by the respondents in their reply, the truth of which is denied by the applicant, was no ground to withhold its payment also.

6. Shri M. Sreerangaiah, learned counsel for the respondents sought to support the action of the respondents.

7. When the applicant was in service or even thereafter and till to-day the authorities have not initiated any disciplinary proceeding or any regular legal proceeding for the loss, if any, caused and its recovery from the applicant. As it is very nearly 2½ years had elapsed from the time, the applicant retired from service.

8. On his retirement from service the pension and other terminal benefits except DCRG had all been settled and paid to the applicant. If that is so, then there must be very strong reasons to withhold only DCRG due to the applicant. For withholding the same, the Railway Administration

had not even disclosed any reason till he approached this Tribunal with this application. We are of the view that all these facts themselves justify us to accept the case of the applicant.

9. Even otherwise, the reasons pleaded by the respondents for the first time in their reply, are not sufficient and convincing to withhold the payment of DCRG due to the applicant, as even to this day they have not determined the loss, if any caused and fix responsibility on the applicant who had retired as early as on 30.4.1986. If that is so, we do not find any further justification to withhold the payment of DCRG admissible to the applicant. We however do not find sufficient justification to grant interest on the DCRG amounts withheld.

10. In order to calculate the amounts and make payment thereto, we consider it proper to grant time till 31.10.1988.

11. In the light of our above discussion, we allow this application and direct the respondents to make payment of DCRG amount admissible to the applicant without payment of interest thereon with all such expedition as is possible in the circumstances of the case and in any event on or before 31.10.1988.

12. Application is allowed. But, in the circumstances of case, we direct the parties to bear their own costs.

TRUE COPY



Sd/-  
VICE-CHAIRMAN

np/Mrv.

4/9/88

DEPUTY REGISTRAR (JDL)  
CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE

Sd/-  
MEMBER (A) 16.10.1988