

Dated : 27 JUL 1988

W.P. NO. _____

Respondent(s)

V/s The GM, Telecom, Pune & 2 Ors

1. Shri N. Swaminathan
C/o Dr M.S. Nagaraja
Advocate
35 (Above Hotel Swagath)
1st Main, Gandhinagar
Bangalore - 560 009

2. Dr M.S. Nagaraja
Advocate
35 (Above Hotel Swagath)
1st Main, Gandhinagar
Bangalore - 560 009

3. The General Manager
Telecom
Telephone Bhavan
Bajirao Road
Pune - 411 002

4. The Secretary
Ministry of Communication
New Delhi - 110 001

5. The Managing Director
Indian Telephone Industries
Doorvaninagar
Bangalore - 560 016

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 21-7-88

21-7-88

Encl : As above

DEPUTY REGISTRAR
(JUDICIAL)

CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE

DATED THIS THE 21ST DAY OF JULY, 1988.

PRESENT:

Hon'ble Mr. Justice K.S. Puttaswamy,

.. Vice-Chairman.

And:

Hon'ble Mr. L.H.A. Rego,

.. Member(A).

APPLICATION NUMBER 951 OF 1988

N. Swaminathan,
Aged 40 years,
S/o Sri N.A. Beelakantaiah,
Working as Assistant Engineer,
Indian Telephone Industries,
Bangalore.

.. Applicant.

(By Dr. M.S. Nagaraja, Advocate)

v.

1. The General Manager,
Telephone, Pune.
2. Union of India
represented by the Secretary,
Ministry of Communication,
New Delhi.
3. The Managing Director,
Indian Telephone Industries,
Bangalore.

.. Respondents.

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

ORDER

This application was posted to to-day to await service of notice of respondents and their reply. When the case was called Sri C.J. Sabinis, Draughtsman of the office of the General Manager, Telephones, Pune (Respondent-1) who is the principal respondent, appears for that respondent and respondent-2. Respondent-3 who is only a proforma respondent and is duly served is absent and is unrepresented. As agreed to by both sides, this case is treated as listed for final hearing to-day and is accordingly heard.

2. The applicant who was formerly working as a Junior Engineer



in the office of the General Manager, Pune, sought voluntary retirement to join in the Indian Telephone Industries Limited, Bangalore ('ITI'). On his absorption in the ITI, he sought for settlement of his pension and other retiral benefits, in accordance with the rules and orders, made by Government thereto. As the GM had not settled them, the applicant had approached this Tribunal on 20th June, 1988 seeking for appropriate directions to the respondents.

3. In answer to the claim made by the applicant, the GM in his statement or memo ('Memo') filed to-day states thus:

Submission of the respondents is as under:

1. The prayer of the applicant to grant pro-rata retiral benefits as per Rule 37(a)(b) of CCS Pension Rules 1972 and as per subsequent amendments from time to time were never rejected and the process to grant these benefits is already in progress and will be completed within 6 (six) months.

2. To sought certain clarifications and clear the doubts on some points and rulings as well to complete the formalities such as verification of service rolls etc. bound to consume some time. Moreover the applicant has never applied to Pune Telephones, the recruiting unit for early settlement of his retiral benefits and therefore the question of delay and payment of retiral benefits late; does not arise and as such the claim for 18% interest is untenable.

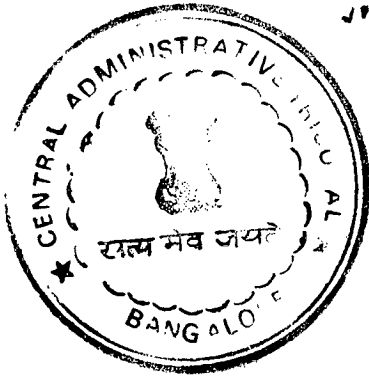
3. From the preceding paragraphs it is clear that the intention of the Department is to grant all the benefits admissible to its employees and as such it feels that the application made before the Hon'ble Bench is not necessary. Hence, it is prayed that the application may be summarily rejected.

In this Memo, the GM had undertaken to examine the claim of the applicant and settle the pension and other retiral benefits due to him with expedition and in any event within a period of six months. We have heard both sides on this Memo.

4. We are of the view that it is reasonable to permit the GM to settle the retiral benefits due to the applicant within a period of four months from the date of receipt of this order. We, accordingly grant four months' time from the date of receipt of this order to respondents 1 and 2 to settle the pension and other retiral

benefits due to the applicant and make payment thereof without any interest thereto.

5. Application is disposed of in the above terms. But, in the circumstances of the case, we direct the parties to bear their own costs.



Sd/-
VICE-CHAIRMAN 21/7/88

Sd/-
MEMBER (A) 21.7.88

TRUE COPY

[Signature]
DEPUTY REGISTRAR (JDL)
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE