

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

3

O.A. NO: 396/92 199
T.A. NO: --

DATE OF DECISION 14-7-1992

C.K.Shankaran Kutty Petitioner

Mr.D.B.Karnik Advocate for the Petitioners

Versus

The CGM, Telecom Factory, Bombay Respondent

Mr.V.S.Masurkar Advocate for the Respondent(s)

CORAM:

The Hon'ble Mr. T.Chandrasekhara Reddy, Member(J)

The Hon'ble Mr. --

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

T.C.Reddy
(T.C.REDDY)

mbm*

MD

(1)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A. 396/92

C.K. Shankaran Kutty,
Central Railway, R.P.F. Quarters,
MS/RB-I/128/39,
Matunga,
Bombay.

..Applicant

vs.

1. The Chief General Manager
Govt. of India,
Department of Telecommuni-
cation,
Telecom Factory,
Deonar,
Bombay - 400 088.

2. The Secretary,
Union of India,
Ministry of Telecommuni-
cation,
New Delhi.

..Respondents

Coram: Hon'ble Shri T.C.Reddy, Member(J)

Appearances:

1. Mr.D.B.Karnik
Advocate for the
Applicant.
2. Mr.V.S.Masurkar
Counsel for the
Respondents.

ORAL JUDGMENT:

Date:14-7-1992

[[Per T.C.Reddy, Member(J)]]

This is an application under section 19
~~122~~ of the Administrative Tribunals Act, 1985, filed
by the applicant herein to grant legal dues to
the applicant such as gratuity, society dues,
notice pay, C.T.D., leave salary, incentive
bonus arrears etc. with interest and to pass
such other orders as the Tribunal may deem
fit in the circumstance of the case. The facts
given ^{to} rise ~~for~~ for this O.A. in brief are as follows:

2. The applicant was initially appointed
as Carpenter Gr.II in the semi-skilled grade
of Rs.75/110 w.e.f. 1-10-1964. He was subsequently

T. C. Reddy

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transferred to Shop No.32 to work as Fitter Inst.Gr.II. On qualifying the trade test of SW/Bd Mechanic Gr.II he was promoted as SW/Bd Mechanic Gr.II in the scale of pay of Rs. 260/400 w.e.f. 1-9-1976. The applicant worked in the same post till November 1978. The applicant submitted resignation to the said post and the same was accepted by the competent authority ^{in Nov 1978}. The applicant has approached now this Tribunal for the reliefs as already indicated above.

3. Admittedly the applicant has submitted his resignation to the said post as Sw.Bd. Mechanic Gr.II ^{which was already submitted in 1978}. As the applicant has submitted his resignation to the said post he is not entitled for any pensionary benefits. But the applicant is entitled for refund of Provident Fund, encashment of leave salary and also incentive bonus arrears if any. Hence the application is liable to be allowed to this extent only.

4. The applicant has claimed interest on the aforesaid items. As could be seen the applicant had approached the competent authority for payment of retirement benefits only in the year 1990. Ever since the applicant ~~xxxxxx~~ resigned in the year 1978 till 1990 he made no representation to the competent authority for payment of retirement benefits. ~~The xxxxxxxx~~ In view of this position we are not inclined ~~xxxxxx~~ to award any interest. Hence we direct the respondents to refund the PF and pay him his leave salary and also incentive bonus in accordance with law.

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5. The applicant has claimed CTD
(Cumulative Time Deposit). It is the contention
of the respondents that they are not concerned
with the said CTD. Hence we are not prepared to
give any direction with regard to the payment ^{of the respondents} in the
~~of~~ CTD. Hence the prayer for payment of CTD
is ~~rejected~~ ^{dismissed}.

6. The application is disposed of
accordingly with no order as to costs.

MD

T. Chandra Sekhara
(T.C. REDDY)
Member (J)