

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH : BANGALORE

DATED THIS THE SEVENTH DAY OF JANUARY 1993

Present :

Hon'ble Justice Shri P.K. Shyamsunder ... Vice Chairman

Hon'ble Shri S. Gurusankaran ... Member (A)

APPLICATION NO.376/1992

Sri T. Deva Krishna Rao,  
Son of M. Janaji Rao (late),  
aged about 42 years,  
watch Maker,  
515, Army Base Workshop,  
Ulsoor, Bangalore,  
residing at No.6, Arab Line,  
A-street, Richmond Town,  
Bangalore-25.

... Applicant

(Shri M.S. Ananda Ramu ... Advocate)

v.

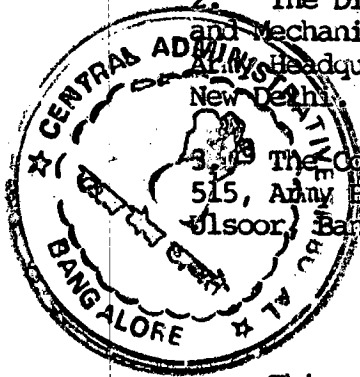
1. The Union of India  
represented by its Secretary,  
Ministry of Defence,  
New Delhi.

2. The Director of Electrical  
and Mechanical Engineering,  
Headquarters,  
New Delhi.

3. The Commandant,  
515, Army Base Workshop,  
Ulsoor, Bangalore-8.

... Respondents

(Shri M.S. Padmarajaiah ... Advocate)



This application having come up for admission before this  
Tribunal today, Hon'ble Justice Shri P.K. Shyamsunder, Vice Chair-  
man, made the following:

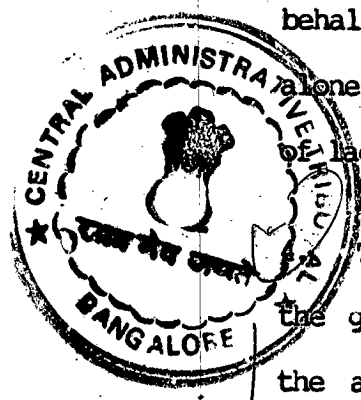
ORDER

1. This is an application by a watchmaker working in the defence  
establishment whose services ceased following an order made in

a departmental enquiry grounded on dereliction of duties. The disciplinary authority having found that the applicant was wholly irregular in attending to his duties as a watchmaker being of the view that his continuance in the said post was wholly unproductive thought it fit in the interest of the department that his services should be terminated. Probably taking into consideration his long incumbency in office instead of inflicting a more severe punishment the authority passed an order of compulsory retirement. That was way back in the year 1979 and from that order the applicant unsuccessfully appealed to the departmental appellate forum. That appeal came to be disposed of in the year 1982. We are told for disposal of the appeal required a mandamus being issued to the appellate forum by the Hon'ble High Court of Karnataka in a writ petition filed by the petitioner. Whatever that may be the departmental appellate forum in compliance with the direction of the Hon'ble High Court disposed of the appeal in the year 1982 and that appeal also went against the applicant.

2. Surprisingly for 10 long years the applicant appears to have been lying low for he did not lift his little finger to join issue regarding termination of his employment by the order of compulsory retirement. At long last he has now made a vain effort to resurrect the controversy that must have become mute nearly a decade ago. When we asked why the present provocation for assailing the impugned order of compulsory retirement, his learned counsel submitted that the retiral benefits having been settled only in the year 1991 he had now taken recourse to challenging retirement order itself.

3. We are not satisfied with the explanation given by the applicant. Merely because the department takes its own time to grant retiral benefits that cannot possibly afford a cause of action to challenge the retirement itself. If anything may be the applicant can ask for correction of that order but taking cue from the delayed settlement of his retirement benefits he cannot go back and reopen the issue relating to his compulsory retirement, that has long since become concluded and a decade later he cannot revive that controversy. On this short ground of the challenge being delayed, there being no reason much less a good reason for overlooking the lethargy attending the applicant now in this behalf we think that this application must fail on that ground alone. We accordingly dismiss this application on the ground of laches.



The applicant's counsel says that all the dues payable by the government are not yet settled. If that is so, we direct the authorities to take action to settle the controversy, if any, regarding payment of any emoluments like pension etc. if still due. We direct the respondents to take action in that behalf and put an end to this controversy within a period of three months from the date of receipt of a copy of this order.

bsv

sd/-  
MEMBER (A)

sd/-  
VICE CHAIRMAN

**TRUE COPY**

*[Signature]*  
SECTION OFFICER  
CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH  
BANGALORE

15/1/93

Telephone : 565066/259  
Telegrams : "Baseworks"

50632/394/FIN

To

Shri J Devakrishna Rao  
Ex T No 1041, Watchmaker  
S/O Shri M Janaji Rao,  
No 6, Arab Line, A-Street,  
Richmond Town,  
Bangalore - 560 025

11  
Annexure B  
REGISTERED/ACK DUE

515 Sena Base Workshop  
515 Army Base Workshop  
Bangalore - 560 008  
08 Mar 93  
13

SETTLEMENT OF PENSIONARY BENEFITS

1. Reference (a) Your letter dated 21 Jan 93 addressed to DGE, Army HQ and copy to this unit and Secretary, Ministry of Defence, New Delhi.  
(b) CAT Order dated 7 Jan 93 on the subject.
2. In this connection, your attention is drawn to DPDO, Bangalore-42 letter No PS/7560/ABU dated 23-9-91, wherein, it is stated that your pension had been re-fixed as per IV Pay commission report at Rs 375.00 from 1-1-86 and arrears of pension amounting to Rs 2301.00 were also paid on 26-3-87. Now you are drawing a pension of Rs 375.00 p.m. and relief at the rate of 83% i.e. Rs 311.00. Thus, you are drawing a total pension of Rs 686.00 as on date and not Rs 81.00 as contended by you in para 3 of your above letter.
3. Basing on the IV Pay commission report, commutation of Pension was also received under CCDA (P) Allahabad corrigendum No G/AOC/Com/52/1991 dated 20 Nov 91 and a sum of Rs 5415.00 had been paid to you. In this connection, please refer to this office letter No 50632/394/FIN dated 04 Dec 91.
4. In view of the above, it is clear that whatever amount due to you were paid in time, much earlier than the order of the CAT referred to above and nothing is outstanding for payment.
5. Hence, the matter may be treated as closed.

Yours faithfully,

(S Chakraborty)  
SWO  
Accounts Officer  
for Commandant & MD

Copy to:-

- 1) DG E&E (Civ-2)  
Master General of the  
Ordnance Branch  
Army Headquarters  
DHQ Post New Delhi - 11
- 2) The Secretary,  
Ministry of Defence, South  
Block, New Delhi

For information with reference  
to his letter dated 21 Jan 93,  
and Army HQ letter No E/03412/  
Gen/EME Civ-2 dated 26 Feb 93.

L the

copy of  
2.8.93

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

Second Floor,  
Commercial Complex,  
Indiranagar,  
Bangalore-560038.

Contempt Petition No 31/93 Dated: 4 OCT 1993

APPLICATION NO(S) 376 of 1992

APPLICANTS: J. Devakrishna Rao RESPONDENTS: Sri. Brig R. Sridharan  
TO. Commandant, 515 Army Base Workshop  
Bangalore-8.

- ①. Sri M.S. Anandaramu,  
Advocate, 27, 1st Main Road,  
Chandrashekar Complex,  
1st Floor, Grandhinagar,  
Bangalore-9.

②

Subject:- Forwarding of copies of the Order passed by  
the Central Administrative Tribunal, Bangalore.

Please find enclosed herewith a copy of the  
ORDER/~~STAY/INTERIM ORDER~~, passed by this Tribunal in the  
above said application(s) on 29-09-93.

Issued

gm\*

for DEPUTY REGISTRAR  
JUDICIAL BRANCHES.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH, BANGALORE

DATED THIS DAY THE 29TH OF SEPT., 1993

Present: Hon'ble Justice Mr.P.K. Shyamsundar Vice Chairman  
Hon'ble Mr.V. Ramakrishnan Member(A)

CONTEMPT PETITION NO.31/93

J. Deva Krishna Rao,  
Aged about 42 years,  
Watchmaker,  
515, Army Base Workshop,  
Ulsoor,  
Bangalore

Applicant

( Shri M.S. Anandaramu - Advocate )

v.

Shri Brig.R. Sridharan,  
Commandant,  
515, Army Base,  
Workshop, Ulsoor,  
Bangalore - 8

Respondent

This contempt petition has come up today  
before this Tribunal for admission. Hon'ble  
Justice Mr.P.K. Shyamsundar, Vice Chairman made  
the following:

ORDER

It seems to us that there is no material  
at all on the basis of which we can take action  
against the respondents for disobeying the  
directions of the Tribunal given in O.A.No.376/92  
disposed off on 7.1.1993. This application appears  
to be a sequel to the order passed in O.A.  
referred to above. In that O.A., this is what we  
said:



"The applicant's counsel says that all the dues payable by the government are not yet settled. If that is so, we direct the authorities to take action to settle the controversy, if any, regarding payment of any emoluments like pension etc. if still due. We direct the respondents to take action in that behalf and put an end to this controversy within a period of three months from the date of receipt of a copy of this order."

2. Now the applicant who is before us tells us that action has not so far been taken by the respondents to settle ~~his~~<sup>due</sup> emoluments like pension etc. It seems to us that the applicant should have made a definite claim and asked for the settlement thereof immediately. Even now we do not know what exactly is the amount that is due to him by way of retiral benefits. In the circumstances, the applicant is directed to quantify his dues and make a claim for settlement in terms of the directions given under this Tribunal's order dated 7.1.93. We are sure if such a step is taken, the grievance, if any, of the applicant will be satisfactorily redressed. In the circumstances, we see no reason to proceed further in the matter and direct this application shall stand disposed off as unnecessary.



Sd/-  
MEMBER (A)

TRUE COPY

Sd/-  
VICE CHAIRMAN

SECTION OFFICER  
CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH  
BANGALORE

14/10/93