

By Post

Southern Railway

No.T/P.500/S.114/84-85

Divisional Office,
Personnel Branch,
Tiruchchirappalli,
Dated: 17.08.1993.

✓
Shri.M.Sharmugam,
Retd. HI/Gr.I/Stn/TPJ,
19/1, 10th Main Road,
Subedar Palaya,
Yesvantapur,
Bangalore - 22.

Sub: Your settlement.

-000-

The following settlement dues are arranged to be paid to you (1) DCRG; (2) Commutation; (3) Pension.

Payment of DCRG will be arranged on receipt of LA & HR form ~~much~~ is enclosed herewith.

Commutation will be arranged only after medical examination as it is more than one year old case. Necessary form in duplicate for commutation is enclosed for resubmission. The date of medical examination will be advised later on receipt of your application. Only on the recommendation of the medical board you are entitled for commutation.

Please advise the present disbursing unit (Bank/post office) to enable to authorise for regular pension.

Encl.: As above.

V. S. S. S.

for Sr.Divl. Personnel Officer.

C/- Sr.DAC/TPJ. Shri.M.Sharmugam, HI/I/TPJ was retired on 31.8.84 due to superannuation. Since he was involved in a SPE case, he was suspended from 12.4.84 and transferred to TPJ Division. The following settlement dues were paid. 1. PF - Rs.16,866/-
2. Provisional Pension: - Rs.405/- 3. CELS for 141 days - Rs.7,276/-
4. GIS - Rs.500/- He is due for the following amount: 1. DCRG; 2. Commutation; 3. Pension. He was acquitted by the Hon'ble Spl. Judge, Mehopolition area, SBC on 20.7.87. The SP/SPE/SAC HAS since advised that CBI have decided not to go on appeal against the acquitted vide letter No.VO/SPE/SBC/1/84 of 5.7.93. Therefore the working sheet for pension, DCRG is send herewith for arranging payment. His SR & are also enclosed.

psr

Southern Railway.

No.T.P.524/VIII/Group C/
Genl.Vol.II

Divisional office/Personnel Br
Tiruchendurappalli. 6-1-88.

CPO/MAS.

Re: Restructuring of the cadre of H & MIS
Medical Branch Sri M. Shanmugam,
Ex.H & MI/III/TJS station in scale
B.425-640 (BMS)

Ref: Your office order No.MD/95/85 (P(S)
535/VIII/Restructuring/H & MIS)dt. 13-6-85.

....

In terms of orders contained in your office order dated 12-6-85 cited above, the abovenamed ex-employee was promoted to officiate as H & MI/II in scale B.550-750(RB) against a restructured post and retained at his present station as H & MI/II/TJS/Station.

As the abovenamed ex-employee was placed under suspension from 12-4-84 as per your office letter PB/CS/23/4679 of 6-4-84 in connection with case No.57/84 instituted against him by the CBI, his promotion as H & MI/II against the restructured post was not given effect to. He had finally retired from railway services on superannuation on the afternoon of 31-8-84.

Now the abovenamed ex-employee has been acquitted of the charges framed against him by the CBI in the above case, by the Honourable Special Judge, City Civil Court, Metropolitan area, Bangalore City, as per the attested copy of the judgement dt.20-7-87 produced by him.

As such it is requested that sanction of the competent authority may please be obtained and communicated for revocation of suspension of the abovenamed ex-employee and also regularization of the period of suspension viz.12-4-84 to the date of retirement on superannuation viz. on the afternoon of 31-8-84 to enable to take further action to effect his promotion as H & MI/II and also for revision of settlement dues etc.

As the Service Register of the abovenamed ex-employee is required to be returned to the Honourable Court of the Special Judge City Civil Court, Bangalore City after effecting his promotion and arranging resultant revised pensionary benefits, it is requested that the same may please be treated as urgent.

Copy to CA/MAS
MS/603.

for Divl. Dy. Mgr.

BY

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

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

Dated: 19 OCT 1993

APPLICATION NO(S) 305 of 1993.

APPLICANTS: M. Shanmugam

v/s. RESPONDENTS: Southern Railway, represented by the General Manager, Madras and Others.

TO.

1. Sri.V.Narasimha Holle,
Advocate, No.317, 75th Cross,
12th-A-Main, 6th Block,
Rajajinagar, Bangalore-560 010.
2. The Senior Divisional Personnel Officer,
Southern Railways, Thiruchirapally-620001.
3. The General Manager,
Southern Railway,
Park Town, Madras-600 003.
4. Sri.N.S.Pressed,
Advocate, No.242,
Fifth Main Road,
Gandhinagar, Bangalore; 560 009.

Recd for (12) 12/10/93

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 16th September, 1993.

Issued
*gm**

for DEPUTY REGISTRAR
JUDICIAL BRANCHES.

DATED THIS DAY THE 16TH OF SEPTEMBER, 1993

Present: Hon'ble Justice Mr.P.K. Shyamsundar Vice Chairman

APPLICATION NO.305/1993

Shri M. Shanmugam,
(Retired Health Inspector
Gr.I, Southern Railway,
Door No.19/1, 10th Main Road,
Subedar Palya, Yeshwathapur,
Bangalore - 560 022

Applicant

(Shri V.N. Holle - Advocate)

v.

1. The General Manager,
Southern Railway,
Park Town,
Madras - 600 003
2. The Divisional Railway Manager,
Southern Railway,
Divisional Office,
Thiruchirappaly - 620 001
3. The Chairman,
Railway Board,
New Delhi.

Respondents

(Shri N.S. Prasad - Advocate)

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

ORDER

Having heard both sides, I admit this
application made under Section 19 of the Administrative
Tribunals Act and ^{found to} dispose it off on its merits as well.
The applicant has been caught up in a prosecution
launched by the Central Bureau of Investigation for



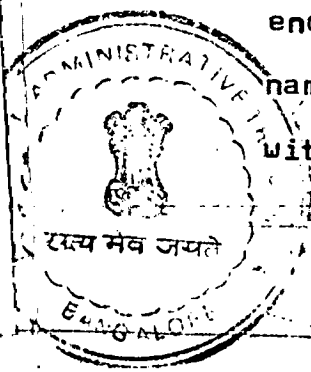
allegedly accepting illegal gratification while in service and had been under suspension even while the criminal proceedings were pending against him at the High Court level. His retiral benefits were not fully settled thereby excepting for grant of provisional pension pending disposal of the criminal proceedings against him.

2. Having been closeted in the criminal proceedings from the year 1984 till he was finally cleared by the High Court in a criminal ~~case~~ ^{order}, copy of which has been produced herein at A-3 affirming his acquittal of the offence of attempt or receiving illegal gratification, he had been denied all the retiral benefits to which he was entitled to under law. But, even after adherence of the acquittal made by the High Court there was further delay in the matter of settling his retiral benefits and hence he has come up to this Tribunal seeking such benefits like payment of complete retiral benefits, pension, DCRG with 18% interest and some consequential benefits as well like re-structuring his pay scale etc. etc. apropos which there is a specific prayer in this application.

3. On being notified, the Railway Administration who are the respondents herein contested the matter and justified the non-granting all the retiral benefits, non payment of which is complained herein. Shri Prasad for the Railways tells me that the Railways have since arranged payment of all the retiral benefits like pension, and DCRG. He invited my attention to a telegraphic communication sent to him by the Railway Administration which says that the relief sought for

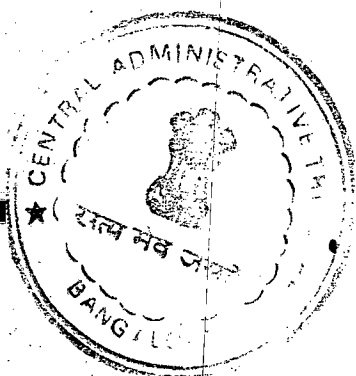
in the application is under consideration and DCRG and Pension being arranged.

4. In the light of the telegraphic communication referred to supra, there is no hurdle for the applicant receiving all the pensionary benefits, DCRG etc. since the Administration itself has apparently gone into the task of ascertaining what is due to him and proposes to order remittance thereof all of which indicates that the Railway Administration now sees no reason to contest this application and therefore all that I should do is to direct the Railway Administration to abide by the contents of the telegram referred to supra and in consequence to ascertain and make full payment of the retiral benefits due to the applicant such as pension, DCRG etc. within three months from the date of receipt of a copy of this order. The Railway Administration will also take a decision touching the prayer of the applicant for other consequential benefits like re-structuring of pay scale etc. in relation to which he appears to have made a representation at Annexure A-6. The Railway Administration will consider the said representation and do whatever is necessary in that matter within the three months period granted to them herein. There is of course a question of payment of some interest to the applicant who had not had the benefit of full retiral benefits since the date of his retirement in the year 1984. Withholding of the same is traced to pendency of the criminal proceedings but now that the criminal proceedings have ended in favour of the applicant at the highest level namely the High Court, for whatever reason it may be, with the prosecution having failed to make out a



case against the applicant, denial of retiral benefits cannot possibly be countenanced. Under the circumstances, the Administration is bound to pay interest on the pensionary benefits like DCRG amount which are due to him as of now. But I am happy to notice that the Railway Administration itself has taken note of this situation and issued general orders stating that where retiral benefits have been denied to their employees on account of administrative lapses and bureaucratic lethargy etc., in all such cases the retiral benefits should be accompanied by payment of interest. Shri Prasad invites my attention to the aforesaid orders.

5. In that view of the matter, it becomes my duty to direct the Administration to add interest to the retiral benefits like pension, DCRG etc. which they are going to pay hereafter. However, the quantum of interest to be paid by the Administration in my view, should not be below 12%. Shri Prasad says that the Administration has undertaken to pay 10% interest, but, I think 10% is too low and, therefore, it should be 12%. This application stands finally disposed off with the aforesaid observations with no order as to costs. Send a copy of this order to the Divisional Railway Manager, Southern Railway, Divisional Office, Thiruchirappally (R-2) for information and compliance.



TRUE COPY

SECTION OFFICER

CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

Sd/-

VICE CHAIRMAN