

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
Bangalore-38.

Dated: 28 FEB 1994

APPLICATION NO(s) 336 of 1993.

APPLICANTS:

Xavier Francies Carrick v/s.
TO.

RESPONDENTS:

Officer-Incharge(Records), Maratha Light
Infantry, Belgaum and others.

1. Dr.M.S.Nagaraja, Advocate, No.11, Second Floor,
First Cross, Sujatha Complex, Gandhinagar,
Bangalore-9.
2. Officer-in-Charge(Records), Maratha Light Infantry,
Abhilekh Karyalaya Records, Belgaum-590009.
3. Sri.M.S.Padmarajaiah, Central Govt.Stng.Counsel,
High Court Building, Bangalore-560001.

SUBJECT:- Forwarding of copies of the Orders passed by
the Central Administrative Tribunal, Bangalore.

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Please find enclosed herewith a copy of the
ORDER/STAY ORDER/INTERIM ORDER/, Passed by this Tribunal
in the above mentioned application(s) on 18-02-1994.

gm*

*OLC
issued on 28/2/94*

Se Shauhar 28/2
for DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

ORIGINAL APPLICATION NO.336/93

FRIDAY THIS THE EIGHTEENTH DAY OF FEBRUARY, 1994

Mr. Justice P.K. Shyamsundar

Vice Chairman

Mr. T.V. Ramanan

Member(A)

Shri Xavier Francies Carrick
Aged 56 years
S/o Shri Francis,
6, St. Anthony's Street,
Camp: Belgaum

Applicant

(By Advocate Dr.M.S. Nagaraja)

v.

1. Officer Incharge(Records),
Maratha Light Infantry,
Abhilek Karyalaya Records,
Maratha Light Infantry
Belgaum - 590009
2. The Director General,
Maha Nirdeshalaya Infantry/Inf.6(Pers),
General Staff Shakha
Army Headquarters
DHQ P.O.
New Delhi - 110 011
3. The Deputy Chief of Army Staff,
Army Headquarters,
District Headquarters,
New Delhi - 110 001
4. Union of India,
represented by its
Secretary to Government,
Ministry of Defence,
New Delhi

Respondents

(Shri M.S. Padmarajaiah)
learned Standing Counsel

ORDER

Mr. Justice P.K. Shyamsundar, Vice Chairman

We have heard Dr.M.S. Nagaraja for the
applicant and the learned Standing Counsel Shri M.S.

Padmarajaiah in this case. In regard to submissions made by Dr.M.S. Nagaraja on behalf of his client, his efforts to persuade us are rendered in vain for the simple reason that the Administration made a specific order and communicated to this Tribunal on 10.7.89 which reads as follows:

"Reference your letter No.F.of A.
No.1596/86(F) dated 24 May, 89.

The Hon'ble Central Administrative Tribunal Bangalore Bench Order dated 27Feb 87 on Application No.1596/1986(F) filed by Shri Xavier Francis Carrick UDC of this office has been implemented. Shri Xavier Francis Carrick has been re-instated in service with effect from 11 Jun 84 but deemed to have been placed under suspension with effect from the same date to face a fresh inquiry vide Officer-in-Charge; Records The Maratha LI Order No.2748345/C/7/LA dated 21 Jul 87. He has been paid arrears of subsistence allowance from 11 Jun 84 to 31 Jul 88 on 13 Sep 88 and balance of pay and allowances from 17 May 80 to 10 Jun 84 on 05 Jul 89. The amount has been paid in full and it is final settlement of the award.

Receipt obtained from the above named individual is also enclosed for your records please."

From the perusal of the above communication, it becomes clear that the applicant was kept under suspension from 11th June, 1984, when for the first time the punishment of compulsory retirement was imposed on him. The aforesaid order was apparently made as a sequel to an order passed by this Tribunal on 27th February, 1987, in O.A.No.1596/86. In the light of the decision taken by the Administration to keep the man under suspension from 11th June, 1984, it becomes

apparent his claim for payment of pay and allowances from that date on to a later date is clearly unsustainable. However, it will be certainly open to the applicant to question the validity of that order. We must regret our inability to accede to the contention of Dr. Nagaraja that his client should be paid arrears of pay and allowances till 10th January, 1990, from June, 1984. Let a copy of this communication be furnished to Dr. Nagaraja for reference to facilitate any steps he may wish to take in consultation with his client. With these observations, this application stands disposed off finally with no order as to costs.

Sd-

(T.V. RAMANAN)
MEMBER (A)

Sd-

(P.K. SHYAMSUNDAR)
VICE CHAIRMAN

TRUE COPY

Sc Shauhar 28/2

GENERAL SECRETARY
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

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