

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
Bangalore-560 038.

Dated: 12 AUG 1993

APPLICATION NO(s).

354

193

Applicant(s)

To. S.T. Katerki

Respondent(s)

The Chief Engineer
Construction

✓ 1. S.T. Katerki, 400, 8th Cross, Gokul
1st Stage I B Phase, Madiukere, Block-54.

2 The Chief Engineer (Construction),
Southern Railway, Millers Road, At
No. 18, Bangalore Cantonment, Block-46.

3 The Deputy Financial Accounts and
Chief Accounts Officer (Construction)
Southern Railway Millers Road,
No. 18, Bangalore-46.

4 The Senior ~~Regional~~ Divisional
Accounts Officer, South Central
Railways, Guntakal, AP.

✓ 5 Sri. C.R. Gorla, 90/1 Post Office
Road, T.R. Nagar II Block, Block-28.

6 Sri. N.S. Prasad, Adrdeale, 262,
5th Main, Gundlu Neegar Block.

S.NO-1 & 5

Received.

SD-kaanth 12/8

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

Please find enclosed herewith a copy of the ORDER/
STAY/INTERIM ORDER passed by this Tribunal in the above said
application(s) on 14-8-93.

Issued
by

O/C

for DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

DATED THIS THE FOURTH DAY OF AUGUST, 1993

Presents: Hon'ble Mr. Justice P.K. Shyamsunder, Vice Chairman.

APPLICATION NO. 354/1993

Shri S.T. Katarki
S/o. Totappa, aged about 60 years
retired Chief Clerk, then in the
Office of the Executive Engineer
(Constructions, Southern Railway
Hindupur at Bangalore Cantonment
Bangalore.

... Applicant

(Shri C.R. Goulay, Advocate)

Vs.

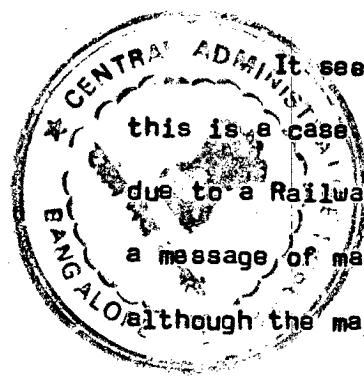
1. The Chief Engineer (Construction)
Southern Railway, Millers Road
At no.18, Bangalore Cantonment
Bangalore-560 046.
2. The Deputy Financial Accounts and
Chief Accounts Officer (Constructions)
Southern Railway, Millers Road
No.18, Bangalore-560 046.
3. The Senior Divisional Accounts Officer,
South Central Railways, Guntakal
Andhra Pradesh State

... Respondents

(Shri N.S. Prasad, Advocate)

This application having come up for hearing
before the Tribunal today, Hon'ble Mr. Justice P.K. Shyamsunder,
Vice Chairman, made the following:

O R D E R



It seems to me after having heard both sides,
this is a case in which the refusal to grant retirement benefits
due to a Railway servant stands out in bold relief conveying
a message of marked injustice. It is not in dispute that
although the man retired in 1991 till today, his retirement

benefits have not been paid to him on the ground that he had not accounted for some material that was in his custody while he was in service.

2. Mr. N.S. Prasad, learned counsel for the respondents tells me that because of the non-cooperative attitude of the applicant appropos the department's claim regarding non-accounting of material having been on the anvil right through has contributed to the delay in non-disbursal of his retirement benefits and if only the man had cooperated, the enquiry in that behalf would have been concluded long back and today he would not be complaining of non-receipt of retirement benefit etc. Be that as it may, although Mr. Prasad tells me that the retiral benefits like pension and DCRG can be recovered even from a retired person according to the provisions of Pension Rules under the authority of the President,

I am somewhat sceptical about accepting such a wide argument. I believe that whatever be the powers of the President, an order forfeiture of pensionary benefits, I am sure, even the President of India cannot make such order without an enquiry being held and such an enquiry ~~could be~~ ^{be} held before the Government servant retires from Government service. Be that as it may, I am not going into that aspect right now instead dispose of this application giving the railway administration 4 months time to settle this controversy in whatever way them deem fit to do. If the matter is still pending after the deadline now set, the applicant would be at liberty to seek appropriate remedy against ^{such} a recalcitrant employer.

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INDIA

(P.K. SHYAMSUNDER)
VICE CHAIRMAN

Sd- *Shyam Sunder*