

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

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

Dated: 21 JAN 1994

APPLICATION NO(s) 599 of 1993

APPLICANTS T. Sreenivasan v/s. RESPONDENTS Secretary, Ministry of Railways, New Delhi & Others.

TO.

1. Sri.M.S.Anandaramu, Advocate,
No.27, Chandrashekar Complex,
First Main Road, First Floor,
Gandhinagar, Bangalore-9.
2. The Executive Engineer,
Construction, Southern Railways,
Bangalore City, Bangalore.
3. Sri.A.N.Venugopal Gowda,
Advocate, No.8/2, Upstairs,
R.V.Road, Opp; Bangalore Hospital,
Bangalore-4.

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 14-12-1993.

for R. S. Srinivasan 21/1/94
DEPUTY REGISTRAR
JUDICIAL BRANCHES.

gm*

[Signature]

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

APPLICATION NO. 599/1993

DATED THIS THE FOURTEENTH DAY OF DECEMBER, 1993

Present: Justice Shri P.K. Shyamsunder, Vice Chairman

Shri T. Sreenivasan
S/o. T.S. Thathechar
Aged about 59 years
was working as Office
Superintendent, Office of the
Executive Engineer (Construction)
Southern Railway, Bangalore City
Bangalore. (now retired from service)
and residing at No.38, I-G Cross
8th Main Road, III State, IV Block
West of Chord Road. Bangalore-79.

.... Applicant

(By Shri M.S. Anandaramu, Advocate)

Vs.

1. The Union of India
rep. by its Secretary
Ministry of Railways
New Delhi.
2. The General Manager
South Central Railways
Secunderabad
3. The Divisional Railway Manager
South Central Railway
Guntakal.
4. The Chief Engineer
Construction, Southern Railway
No.18, Millers Road, Bangalore-96
5. The Executive Engineer
Construction, Southern Railway
Bangalore City, Bangalore.

.... Respondents

(By Shri A.N. Venugopal, Advocate)

Admit.

Heard Shri M.S. Anandaramu for the applicant and
the learned Standing Counsel for the Railways, Shri A.N.
Venugopal. The complaint herein is that although the
applicant had retired 2 years ago, his retiral benefits such
as DCRG and leave salary amount has not been paid to him and
is being deliberately with-held. The Department was notified
in this matter and have filed a statement in which it is

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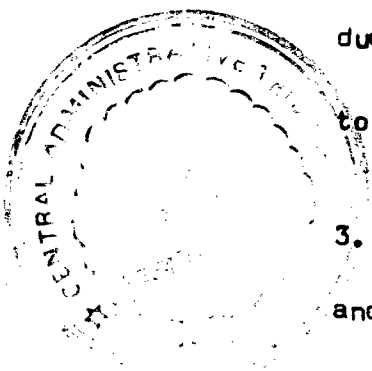


pointed out that while the applicant was in service, a shortfall of materials worth Rs. 8 crores was discovered and he was asked to account for the same. It transpires that he has so far accounted for materials worth Rs. 6 crores and 2 crores worth material is yet to be accounted for. In the meanwhile, he has been permitted to retire and I am now told that he now works for an independent corporation called Konkan Railway Corporation. The Department is clinging to the retiral benefits such as DCRG and leave salary on the ground that the applicant is still to explain the shortfall of Rs 2 crores worth of materials for which he was blamed while in service. Shri Venugopal, standing counsel for the railways tells me that despite repeated requests to the applicant to go to the Department and assist the ongoing investigation regarding the Rs 2 crores worth of materials which is yet to be accounted for, the applicant had not been co-operating and that is the reason why they had not paid the DCRG and the leave salary amount. Shri Venugopal says that an order may be made for conditional payment of the money subject to the applicant co-operating with the ongoing enquiry, which counsel says will be concluded within 4 months.

2. It seems to me that basically withholding of retiral benefits from an employee who is permitted to retire is clearly an anathema. It is one thing to say, the employee being the subject matter of an enquiry while in service and the enquiry being still in progress even after the man has retired and therefore, the department was entitled to put some constraints on him. This is not such a case. No departmental enquiry was started when he was in service. Some administrative enquiry was going on and during the enquiry he was permitted to retire. Even thereafter, he has been able to clear up the tangle by accounting for Rs 6 crores

- 3 -

worth of materials that still left behind a deficit of rupees 2 crore worth of materials to be ascertained. Shri Anandaramu for the applicant says that the Department cannot withhold the retiral benefits due to a retiree on the ground that they want him to report every day in connection with some official business even after he has severed his connection. While it may be that the employee's continued assistance and co-operation was required in the matter of clearing up some administrative shortfall, particularly of applicant who was responsible for running the show while in service, it would not however, be proper for the department to hold the damoclen sword hanging on him by not paying him the retiral benefits. One has got nothing to do with the other. The moment a man has retired and unless he is the subject matter of an official investigation by way of departmental enquiry or a case pending in criminal court, then it would be a different thing altogether, but in all other circumstances, whatever retirement benefits are due to the retiree will have to be paid to him. It seems to me that I should direct the department to pay up the retiral benefits due to the applicant like, DCRG and leave salary amount subject to the applicant furnishing a satisfactory Bank guarantee.



3. In this view of the matter, I allow this application and direct the department to pay up the retiral benefits such as DCRG and leave salary amount subject to the production of a Bank guarantee to the satisfaction of the Department within 2 weeks from the date of this order. Applicant will also undertake to co-operate with the department in the ongoing investigation regarding missing materials. No costs.

21/1/94
SECTION OFFICER

Sd-
(P.K. SHYAMSUNDER)
VICE CHAIRMAN

mr.

CENTRAL ADMINISTRATIVE TRIBUNAL,
BANGALORE BENCH.

REVIEW APPLICATION NO. 14/ 1994 IN O.A. NO. 599/ 1994

TUESDAY, THE 26TH DAY OF JULY, 1994

Shri Justice P.K. Shyamsundar ... Vice Chairman

Shri T. Sreenivasan,
S/o T.S. Thathachar,
aged about 59 years,
was working as office
Superintendent, Office of the
Executive Engineer (Construction),
Southern Railway, Bangalore City,
Bangalore (now retired from service)

and residing at No. 38, I-G Cross,
8th Main Road, III Stage, IV Block,
West of Chord Road, Bangalore-79. ... Applicant

(By advocate Shri M.S. Ananda Ramu)

Vs.

1. The Union of India,
rep. by its Secretary,
Ministry of Railways,
New Delhi.
2. The General Manager,
South Central Railways,
Secunderabad.
3. The Divisional Railway,
Manager, South Central
Railway, Cuntekal.
4. The Chief Engineer,
Construction, Southern,
Railway, No. 18, Millers.
Road, Bangalore-96.
5. The Executive Engineer,
Construction, Southern Railway,
Bangalore City, Bangalore. ... Respondents

(By Advocate Shri A.N. Venugopal,
Standing Counsel for Railways.)

....2/-

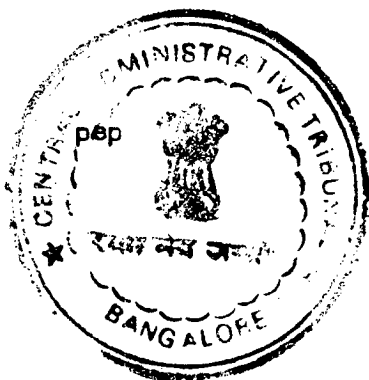


ORDER

Shri Justice P.K. Shyamsundar, Vice Chairman

Heard both sides. It seems to me that I should direct the Respondents Railway administration to release Rs. 50,000/- out of the amount due to the applicant by way of DCRG and leave salary. The balance whatever it is, will remain with the department till the applicant's assistance in the matter of clearing the departmental problems is required. Whatever enquiry is to be done, I had directed that the enquiry in regard to the accounting of the materials of the department to be completed within four months from the date of the order. That has already expired and I am told that not much of progress could be done because of wanton non-cooperation of the applicant.

2. Be that as it may, I now direct, subject to the cooperation of the applicant, the investigation in regard to the missing materials may be completed within six months from the date of this order. Send a copy of this order to the department for information. Rs. 50,000/- to be released within two weeks from the date of receipt of a copy of this order.



TRUE COPY

S. Shanthar
SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

Sd/-
(P.K. Shyamsundar)
Vice Chairman