

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

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

Dated: 28 OCT 1993

APPLICATION NO(S) 758 of 1993.

APPLICANTS: B.V.Pillappa

v/s. RESPONDENTS: Chief Superintendent,
Central Telegraph Office, Bangalore & Ors.

TO.

1. Dr.M.S.Nagaraja, Advocate, No.11,
Second Floor, First Cross,
Sujatha Complex, Gandhinagar,
Bangalore-9.
2. The Chief Superintendent, Central Telegraph Office,
Rajbhavan Road, Bangalore-560 001.
3. The Chief General Manager, Telecommunications,
Karnataka Circle, Ulsoor, Bangalore-560 008.
4. Sri.M.Vasudeva Rao, Central Government Standing Counsel,
High Court Building, Bangalore-560 001.

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 18-10-1993.


DEPUTY REGISTRAR
JUDICIAL BRANCHES.

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH : BANGALORE

DATED THIS THE EIGHTEENTH DAY OF OCTOBER 1993

Present:

Hon'ble Mr. Justice P.K. Shyamsundar ... Vice-Chairman

Hon'ble Mr. V. Ramakrishnan ... Member [A]

APPLICATION NO.758/93

B.V. Pillappa,
Aged 46 years,
S/o Sri venkatappa,
38, 2nd Cross, BMK Layout,
Bangalore-560 026.

... Applicant

[Dr. M.S. Nagaraja ... Advocate]

v.

1. The Chief Superintendent
Central Telegraph Office,
Raj Bhavan Road,
Bangalore-560001.
2. The General Manager,
Telecommunication,
Karnataka Circle,
Ulsoor,
Bangalore-560 008.
3. Union of India
represented by
Secretary to Government,
Ministry of Communication,
New Delhi.

... Respondents

[Shri M.Vasudeva Rao ... Advocate]

This application, having come up for admission before this
Tribunal today, Hon'ble Vice-Chairman, made the following:

O R D E R

1. We have heard both sides and propose to dispose off this application finally. The controversy is all about the applicant's right to retire prematurely and on that basis soliciting all retiral benefits. We are told that there was some controversy



about accepting the proposed early retirement made by the applicant and now the right authority having accepted the proposal the applicant is now retired at his instance but he is yet to be paid retiral benefits. The learned Govt. counsel states that the department requires at least two months to settle the retiral benefits to the applicant. Dr. M.S. Nagaraja for the applicant agrees that we may give the department some time to compute and pay the retiral benefits. Accordingly we admit this application and dispose it off finally directing the respondents to compute and pay all the retiral benefits due to the applicant within two months from the date of this order. Send a copy of this order to the respondents for information and necessary action.

Sd-

Sd-

MEMBER [A]

VICE-CHAIRMAN

bsv



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SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

28/10/93

B-653

CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE BENCH

REVIEW APPLICATION NUMBER 7 OF 1994 OA 758/93

TUESDAY, THIS THE 19TH DAY OF APRIL, 1994.

Mr. Justice P.K. Shyamsundar, ... Vice-Chairman.

Mr. V. Ramakrishnan, ... Member(A)

1. The Chief Superintendent,
Central Telegraph Office,
Raj Bhavan Road,
Bangalore-560 001.

2. The General Manager,
Telecommunications,
Karnataka Circle, Ulsoor,
Bangalore-560 008.

3. Union of India,
represented by the Secretary
to the Government, Ministry
of Communications, New Delhi.

.. Applicants.

(By Standing Counsel Shri M.V.Rao)

v.

B.V. Pillappa,
Aged 46 years,
S/o Sri Venkatappa,
38, 2nd Cross, B.M.K. Lay-out,
Bangalore-26.

.. Respondent.

(By Advocate Dr. M.S. Nagaraja)

ORDER

Mr. Justice P.K. Shyamsundar, Vice-Chairman:-

We see no reason to interfere with this review application although it is pointed out that the order really directs payment of retiral benefits to a retiring officer despite the man facing judicial proceedings that were pending on the date of retirement. It is now not denied that neither party had brought to our notice the fact of pendency of a judicial proceeding against the respondent at the time of passing the order and had it been brought to our notice we are afraid we would not have certainly made any order for payment of retiral benefits, which is indeed the order, review of which is sought for in this application.

2. We are now told by the learned Standing Counsel who appears for the review applicant/Government that the retiral benefits although ordered to be paid were not actually disbursed to the respondent but adjusted towards something that was due by the respondent. Dr. M.S.Nagaraja, learned counsel for the respondent accepts that position and is not aggrieved by the adjustment of the retiral benefits towards what was owed by his client. In the circumstances although under law a retiring officer who is facing an inquiry at the time of retirement is not entitled to drawal of retiral benefits including gratuity but in this case because of absence of information in that behalf an order having been made directing the Government to pay the gratuity, it had been ostensibly obeyed viz., the payment being adjustment of the money owed by the respondent to Government. The position therefore is as if there is non-payment. But, that is not a reason or ground on which we propose to dispose off this application, but hold that the order made in the original application was made because we were not taken into confidence regards the pending inquiry. Whatever be the direction issued in that application, the order does not call for review.

3. Review application fails and is rejected. No costs.

Sd/-

MEMBER(A)

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SD/-
VICE-CHAIRMAN.

np/210494

R. Shashikumar
SECTION OFFICER 29/4
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

B-653

CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE BENCH

CONTEMPT PETITION (CIVIL) NO. 9 OF 1994 OA 758/93

TUESDAY, THIS THE 19TH DAY OF APRIL, 1994.

Mr. Justice P.K. Shyamsundar, .. Vice-Chairman.

Mr. V. Ramakrishnan, ... Member(A)

Shri B.V. Pillappa,
S/o Shri Venkatappa,
Aged about 47 years,
No.38, 2nd Cross, BMK Layout,
Bangalore-560 026.

.. Petitioner.

(By Advocate Dr. M.S. Nagaraja)

v.

1. Shri C. Nityanandam,
Chief Superintendent,
Central Telegraph Office,
Raj Bhavan Road,
Bangalore-560 001.

2. Sri Jitendra Mohan,
General Manager,
Telecommunications,
Karnataka Circle, Ulsoor,
Bangalore-560 008.

3. Sri N. Vittal,
Secretary to Government,
Ministry of Communication,
New Delhi.

.. Respondents.

(By Standing Counsel Shri M. Vasudeva Rao)

O R D E R

Mr. Justice P.K. Shyamsundar, Vice-Chairman:-

This contempt petition arises out of our order in O.A.No. 758 of 1993 which has a bearing on the connected review application viz., R.A.No.7 of 1994 just now disposed off. The grievance herein is despite our directions regarding payment of retiral benefits, the petitioner had not been given the benefit of commutation of pension. But, there is a statutory hurdle in the way of the petitioner in getting the benefit of commutation of pension because Rule 4 of the Central Civil Services (Commutation of Pension) Rules debars commutation of pension by a

pensioner who is facing judicial proceedings. In this case, the admitted position is that the petitioner is facing a judicial proceeding which is still pending. So long as the judicial proceeding is pending, the petitioner would not be entitled for the benefit of commuted pension as such benefit is denied under Rule 4 supra. In the circumstances, there is no question of having committed contempt of the order of the Tribunal. Accordingly this application fails and is dismissed.

Sd/-

MEMBER(A)

Sd/-

VICE-CHAIRMAN

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np/210494

R. Bhawar 29/4

SECTION OFFICER

CENTRAL ADMINISTRATIVE TRIBUNAL

ADDITIONAL BENCH

BANGALORE

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH : BANGALORE

DATED THIS THE EIGHTEENTH DAY OF OCTOBER 1993

Present:

Hon'ble Mr. Justice P.K. Shyamsundar ... Vice-Chairman

Hon'ble Mr. V. Ramakrishnan ... Member [A]

APPLICATION NO.111/93

Smt. M.S. Nagarathna

... Applicant

[Shri M. Narayanaswamy ... Applicant]

v.

Government of India and others

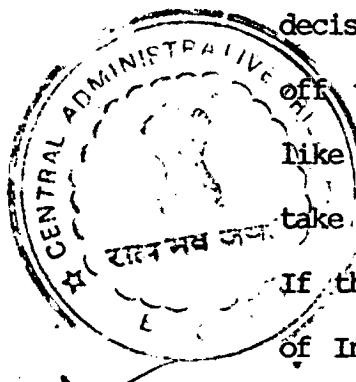
... Respondents

[Shri M.S. Padmarajaiah for R-1 to 3 and
Shri O. Sridharan for R-6 to 9]

This application having come up before this Tribunal for consideration of M.A. and admission Hon'ble Vice-Chairman, made the following:

O R D E R

1. This matter which was disposed off earlier along with a batch of other matters is once again recalled and posted for further hearing. Accordingly we have heard the same once over. The learned counsel for the respondents 6 to 9 Shri O. Sridharan maintains that in the light of the latest decision of the Supreme Court in INDER SAWHNEY V. UNION OF INDIA AIR 1992 SCW 3682, the decision in Pinto's case which we have followed while disposing off the other connected cases is no more good law. We would like to take this opportunity to direct the Administration to take this aspect of the matter also into consideration as well. If they think that Pinto's case has become honest in the light of Inder Sawhney's case it is open to them to take appropriate action following the same but otherwise if they think that Pinto's case is still good law and has not become honest in the light



of Inder Sawhney's case they will have to follow the decision in Pinto's case and will regulate the rights of the parties accordingly. In this view of the matter we dispose off this application directing the department to consider the cases by following Pinto's case subject to the impact of the decision in Inder Sawhney's case. If the result of such consideration is not favourable to respondents 6 to 9, it will be open to them to approach this Tribunal for relief, if any. We make it clear that the department will follow the decision in Pinto's case subject to whatever impact made by the Court in the case of Inder Sawhney. All this will have to be done within three months. Let a copy of this order be sent to the respondents for their information.

Sd-

Sd-

MEMBER [A]

VICE-CHAIRMAN

bsv

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ADDITIONAL BENCH
BANGALORE



28/07/93