

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

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

Dated:- 26 MAY 1994

APPLICATION NUMBER: 942 of 1993.

APPLICANTS:

RESPONDENTS:

Sri.K.V.Radhakrishnan v/s. Chairman, Railway Board, and Others.
To.

1. Sri.K.V.Shamanna, Advocate,
No.1465, 14th Main Road,
West of Chord Road, Mahalakshmiपुरam,
Bangalore-560 086.
2. The Chief Workshop Manager, Southern Railway,
Mysore South, Mysore.
3. Sri.A.N.Venugopala Gowda, Advocate,
8/2, Upstairs, R.V.Road, Bangalore-4.

Subject:- Forwarding of copies of the Orders passed by the
Central administrative Tribunal, Bangalore.

Please find enclosed herewith a copy of the ORDER/
STAY ORDER/INTERIM ORDER/, passed by this Tribunal in the above
mentioned application(s) on 18-05-1994.

gm*

[Signature]
for DEPUTY REGISTRAR
JUDICIAL BRANCHES.

[Signature]
Issued
[Signature]

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

ORIGINAL APPLICATION NO.942/93

WEDNESDAY THIS THE EIGHTEENTH DAY OF MAY, 1994

MR. JUSTICE P.K. SHYAMSUNDAR VICE CHAIRMAN
MR. V. RAMAKRISHNAN MEMBER (A)

Shri K.V. Radhakrishnan,
(Retd Chargeman 'A'),
Door No.844, 7/2,
Lokharanjan Mahal Road,
III Cross, Ittegegud,
Mysore

Applicant

(Shri K.V. Shamanna - Advocate)

v.

1. Union of India represented by
Chairman, Railway Board,
(Ministry of Railways),
Rail Bhavan, New Delhi
2. The General Manager,
Southern Railway,
Park Town,
Madras - 600 003
3. The Chief Personnel Officer,
Southern Railway,
Park Town,
Madras - 600 003
4. The Dy. Chief Mechanical Engineer/
Chief Workshop Manager,
Southern Railway,
Mysore South,
Mysore

Respondents

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

ORDER

MR. JUSTICE P.K. SHYAMSUNDAR, VICE CHAIRMAN

Heard both sides.

2. Admit.



3. The Office Memorandum of the Railway Administration produced at Annexure A-5 and impugned herein relating to denial of some benefits to the applicant, who is a retired official, has since been quashed by the Madras Bench of this Tribunal in C.A.No.210/92 and connected cases disposed of on 27.12.93. We are told by the learned Standing Counsel for the Railways Shri A.N. Venugopal that the Railway Administration has now reconciled itself to the quashing of the impugned order at Annexure A-5 which was done earlier by the Madras Bench and has also issued a communication, copy of which is produced at Annexure R-1, in which directions have been issued to make available to all the employees of the Southern Railways the amount of over payment/ amounts withheld if any within the prescribed time. We place on record the communication of the Railway Administration and in lieu of the same make an order directing the Railway Administration to extend the same benefit to the applicant as well. Now that Annexure A-5 has already been quashed by the Madras Bench and is no longer in currency, we do not think it necessary to quash the same. The needful to be done by the Administration within one month from the date of receipt of a copy of this order. The repatriated amounts which will now be refunded in terms of this order passed on the basis of the order made by the Madras Bench will be reckoned for the purpose of computation of pension and other benefits. Learned Counsel for the applicant asks for costs of this application and also interest on account of belated payment. We grant neither. The application stands finally disposed of as aforesaid with no order as to costs.

TRUE COPY

SECTION OFFICER
CENTRAL ADMINISTRATIVE
ADDITIONAL BENCH
BANGALORE

Sd/-
OFFICE OF THE STANDING COUNSEL

Sd/-
OFFICE OF THE STANDING COUNSEL

B. 711

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

CONTEMPT PETITION No.20/1995 IN

ORIGINAL APPLICATION No.942/1993

WEDNESDAY, THIS THE 1ST DAY OF MARCH, 1995

SHRI JUSTICE P.K. SHYAMSUNDAR .. VICE CHAIRMAN

SHRI T.V. RAMANAN .. MEMBER (A)

K.V. Radhakrishna,
S/o Late K.R. Venkatakrishtnaiah,
D.No.844, 7/2, Lokharajnan Mahal Road,
III Cross, Ittegegud, Mysore. ... Complainant

(By Advocate Shri K.V. Shamanna)

Vs.

Sri R.R. Badagi,
Chief Workshop Manager,
Southern Railway, Railway Workshop,
Mysore South, Mysore. ... Alleged Contemner

(By Advocate Shri A.N. Vanugopal Gowda,
Standing Counsel for the Railways).

ORDER

Shri Justice P.K. Shyamsundar, Vice Chairman:

This C.P. is by a pensioner, who appears to be justly aggrieved by the alleged non-compliance with our directions made while disposing of O.A.No.942/93 on 18.5.1994 granting to the applicant monetary relief such as upgradation of pension amount, payment of D.C.R.G., etc., all to be done within a period of one month. The applicant now tells us that in spite of the administration being given sufficient time to comply with the aforesaid directions made by this Tribunal in the case, the same remains uncared for and not complied with.

2. We are however, told by the learned counsel appearing for the Railway administration that whatever was required to be done in

compliance with our directions, has already been done and that the State Bank of Mysore, Ittegeud Branch at Mysore has been advised to do the needful in the matter and confirm the same to the applicant. We are told, the applicant also maintains an account in the very bank to which instructions had been issued by the Railway administration for making the payments ordered by the Tribunal.

3. The position appears to be that notwithstanding the earnest efforts by the administration to ensure that all payments to be done under the Tribunal's order, nonetheless, the end result so far as the applicant is concerned is that his account is not enriched by payment of monies as awarded by the Court on the earlier occasion.

4. Shri A.N.Venugopal Gowda, appearing for the Railway administration says he will enquire with the administration regards the actual steps taken to comply with the directions of the Tribunal and to ascertain firmly whether the money has in fact been transferred to the applicant's account. Counsel also adds that if there has been any deficiency in this behalf, he will ensure the needful is done, if not already done within a short period of one or two weeks so that there can be total compliance with the directions of the Tribunal. We place on record the aforesaid statement of the learned standing counsel. Learned counsel for the applicant ex-facie is also satisfied by the statement.

5. On the basis of the above fallout in Court during the hearing of this C.P., we drop the contempt proceedings and dispose off this application with a direction to the Railway administration

to ensure total compliance with the orders of this Tribunal by tying up all loose ends within a period of two weeks from this date.


6. With this order, the present controversy stands terminated, but the applicant will, however, be at liberty to come to the Tribunal, if need be, in case it is ascertained that notwithstanding the fresh direction now made, the administration is still found to be lagging behind.

Sd/-
(T.V. RAMANAN)
MEMBER (A)

Sd/-
(P.K.SHYAMSUNDAR)
VICE CHAIRMAN

pap.

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Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore