

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

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

Dated: **23 DEC 1994**

APPLICATION NO: 1095 of 1994.

APPLICANTS:- Sri.Y.Thimmegowda, Bangalore,
V/S.

RESPONDENTS:- The Divisional Railway Manager(Personnel),
Southern Railway, Mysore and others.

To

1. Dr.M.S.Nagaraja, Advocate,
No.11, Second Floor, I-Cross,
Sujatha Complex, Gandhinagar,
Bangalore-560 009.
2. The Divisional Railway Manager(Personnel),
Southern Railway, Mysore Division, Mysore.
3. Sri.A.N.Venugopala Gowda, Advocate,
No.8/2, Upstairs, R.V.Road, 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 15-12-1994.

Issued on

23/12/94

o/c

for

DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

ORIGINAL APPLICATION No.1095/1994

THURSDAY, THIS THE 15TH DAY OF DECEMBER, 1994

SHRI JUSTICE P.K. SHYAMSUNDAR .. VICE CHAIRMAN

Shri Y. Thimmegowda,
Aged 72 years,
S/o Late Sri Yalakkegowda,
2799, II th A Cross,
'D' Block, 2nd Stage, Rajajinagar,
Bangalore - 560 010. Applicant

(By Advocate Dr. M.S. Nagaraja)

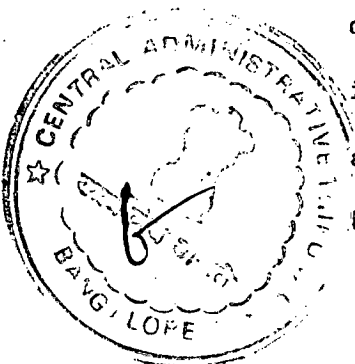
Vs.

1. The Divisional Railway Manager (Personnel),
Mysore Division, Southern Railway, Mysore.
2. The General Manager (Personnel),
Southern Railway, Madras.
3. The Railway Board,
Represented by Chairman,
Railway Board, Rail Bhavan,
New Delhi.
4. Union of India,
represented by Secretary to Govt.,
Ministry of Railways, New Delhi. Respondents

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

ORDER

I have heard both sides and now find that the applicant's claim for payment of retiral benefits has since been met with, but, counsel for the applicant, Dr. M.S. Nagaraja adds that his client's claim for payment of other incidental benefits also require to be considered. But, the Railway administration, the respondents herein who had filed an objection statement along with the affidavit at Annexure-R1, obviously made by the Divisional Officer, Personnel Branch, Mysore, indicating that the hurdles in the way of the retiral benefits due to the applicant has been now cleared by the

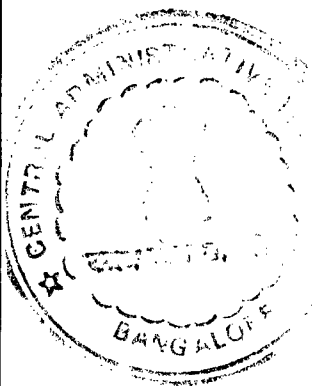


department and that he will become entitled to all such benefits as indicated in Annexure-R1 subject, however, to the applicant undertaking to repay the benefits which he has already received in the form of Contributory Provident Fund, etc. etc.

2. Dr. Nagaraja for the applicant says that whatever is due from his client in terms of the order at Annexure-R1, same may be adjusted against the retiral benefits still due to the applicant from the department and thereafter the residual benefits be computed and paid to him as soon as possible. I place on record the statement of Dr. Nagaraja as aforesaid and direct the Railway administration to pay to the applicant all the retiral benefits due to him after deducting whatever is due from the applicant and a final payment be made thereafter within two months from the date of receipt of a copy of this order.

3. Dr. Nagaraja also states that his client is entitled to some promotion and other incidental benefits. Obviously, that does not form the subject matter of this proceeding and therefore is not open for adjudication. The applicant, if inclined, may make a representation in that behalf to the Railway authority seeking promotion and whatever else is due to him and on receipt of such a representation, the Railway authorities will pay heed to the same and dispose it off in accordance with law, within three months from the date of receipt of such a representation.

4. With this order, this application stands disposed off finally with no order as to costs.



TRUE COPY

[Signature]
23/12/94
Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore

[Signature]
Sd/-
(P.K.SHYAMSUNDAR)
VICE CHAIRMAN