

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

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

Dated:- 28 MAR 1994

APPLICATION NUMBER: 231 of 1994

APPLICANTS: Sri.K.C.Balakrishnan v/s. Secretary, Ministry of Defence, Delhi
and Others.
RESPONDENTS:

1. Sri.M.Narayanasmay, Advocate,
No.844, Upstairs, 17-G-Main,
Fifth Block, Rajajinagar,
Bangalore-560010.
2. The Director General and Scientific Adviser,
Raksha Mantri, Ministry of Defence, R&D Orgn.,
New Delhi.
3. The Director, Aeronautical Development Establishment,
New Thippasandra Post, Bangalore-560075.
4. Sri.M.Vasudeva Rao, Addl. Central Govt. Stng. Counsel,
High Court Building, Bangalore-560 001.

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 16th March, 1994.

Issued
28/3/94
R.

of

for
DEPUTY REGISTRAR
JUDICIAL BRANCHES.
28/3

WEDNESDAY, DATED THIS THE 16TH DAY OF MARCH, 1994

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

Mr. T.V. Ramana, Member (A)

Shri K.C. Balakrishnan
S/o. Late K. Cathukutti
Aged about 56 years
No.6/1, Connaught Road
Queen's Road Cross
Bangalore-560 052

..... Applicant

(By Shri M. Narayanaswamy, Advocate)

vs.

1. The Government of India rep.
by its Secretary to Government
Ministry of Defence, New Delhi.

2. The Scientific Adviser to
Raksha Mantri & Director General
R & D Organisation, New Delhi.

3. The Director
Aeronautical Development
Establishment, Ministry of Defence
New Thippasandra Post
Bangalore-560 075.

..... Respondents

(By Shri M. Vasudeva Rao, Advocate)

O R D E R

(Mr. T.V. Ramana, Member (A))

Admitted.

We have heard the learned counsel for the

applicant and the learned Addl. Central Govt. Standing Counsel

appearing for the respondents.

2. This is an interesting case in that the

applicant having voluntarily retired with effect from

1.9.1993 has not been given the pensionary benefits so far



on the ground that the applicant was accountable for certain items of equipment which were in his charge while he was functioning in the Aeronautical Development Establishment under DFO, Ministry of Defence, Bangalore. The applicant's representations for grant of pensionary benefits which he made before coming to this Tribunal drew a blank as respondent no.3 had intimated the applicant about his not having accounted for certain items of equipment which were in his charge and that he should settle the matter by handing over those in order to be eligible to get his pensionary benefits.

3. Learned Counsel for the applicant denies that the applicant was in any way responsible for the items of equipment as listed in Annexure-R1 attached to the reply filed by the Standing Counsel on behalf of the respondents. It is significant to mention here that even in the reply filed on behalf of the respondents it is stated that the items of equipment mentioned in Annexure-R1 had been issued to the applicant, but were not accounted for by him before he proceeded on retirement. In the previous date, when this case came up for hearing, the Bench desired that learned Standing Counsel should make available the ledger or register showing the entries relating to supply of various items of equipment to the applicant while he was in service. Learned Standing Counsel today makes the submission that no such record is available with respondent no.3. Annexure-R1 which has been produced as part of the reply filed by the respondents lists out the items of equipment which are not

available in the photo section of ADC. At the bottom

of this list on page-2, there is the signature of some one

purporting to be Balakrishnan, which also happens to

be the name of the applicant and it is written. "The

above items are not available." The minute

afforeaid and the signature are found scored off and it

is alleged in the reply that the applicant visited the

office some time after his retirement and while he was

being shown the signature made by him in the original

of Annexure-R1, he scored off the minute and his signature

and that subsequently he sent a letter dated 3.11.1993

stating that he was not responsible for non-availability

of those items of equipment as listed in Annexure-R1.

Learned counsel for the applicant refuses that the

signature on Annexure-R1 is that of the applicant.

4. Be that as it may, even if we take the

signature to be that of the applicant, the minute above

only states that the items listed are not available. There

is no record made available to show that these items had

been supplied to the applicant while he was in service.

Existence of such record can conclusively prove that the

applicant was responsible for the safe keeping of those

items of equipment and that he was accountable for their return

before proceeding on retirement. In the absence of any such

record, it is very difficult to believe that the applicant

is responsible for the loss or non-availability of the

items of equipment listed in Annexure-R1. It is quite

possible that these items of equipment were supplied to the

photo section of ADE in which the applicant was working and no one was made responsible for their safe keeping. In that event it would be ~~very~~ harsh to take a view that it was the applicant, who retired more than 6 months ago, was solely responsible for the safe keeping of the items of equipment listed in Annexure-R1.

5. As stated above, it is more than 6 months since the applicant retired voluntarily from service and still he has not been allowed pensionary benefits only on the sole ground that he is responsible for non-availability/loss of the items of equipment and that only if he accounts for these, the pensionary benefits would be allowed to him. In fact, even payment of the salary of the applicant for the last month of his service, i.e., August, 1993 was made as averred by the Standing Counsel, only recently. Without being immodest, we may say that this payment was made at the instance of this Bench.

5. There is nothing on record to directly link the

applicant with the non-availability/loss of the aforesaid items of equipment. In view of this, we hold that the applicant is not in any way accountable for the same. In the result, we allow this application and direct respondent no.2 to settle the benefits due to the applicant consequent upon his retirement with effect from 31.8.1993 afternoon within a period of 2 months from the date of receipt of a copy of this order by him falling which interest at the rate of 10% with effect from 1.2.1994 shall be payable to the applicant along with the

payment of dues.

TRUE COPY



(T.V. RAMANAN)
MEMBER (A)

(P.K. SHYAMSUNDER)
VICE CHAIRMAN

