

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

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

Dated: 28 SEP 1994

APPLICATION NO: 317 of 1994.

APPLICANTS:- Sri.G.Venkatarayappa,
V/S.

RESPONDENTS:- Secretary, Ministry of Railways, New Delhi
and three Others.

To

1. Sri.M.S.Anandaramu, Advocate,
No.27, First Main, First Floor,
Chandrasekhar Complex,
Ganghinagar, Bangalore-560009.
2. Sri.A.N.Venugopala Gowda,
Advocate, No.8/2, Upstairs,
R.V.Road, Bangalore-560004.

(SI NO. 1)
COPY RECEIVED
28/9/94
(Vishwanath)

Subject:- Forwarding of copies of the Order 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 15th Sept, 1994.

Issued on

29/9/94

o/c for *Se Shauher* 28/9
DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

ORIGINAL APPLICATION NO.317/1994

THURSDAY THIS THE FIFTEENTH DAY OF SEPTEMBER, 94

MR. JUSTICE P.K. SHYAMSUNDAR

VICE CHAIRMAN

MR. T.V. RAMANAN

MEMBER (A)

Shri G. Venkatarayappa,
aged about 64 years,
Clerk Grade I,
Office of the Deputy Financial
Advisor and Chief Accounts
Officer, Southern Railway,
Cantonment, Bangalore (now
retired from service)

Applicant

(By Advocate Shri M.S.
Anandaramu)

v.

1. The Union of India
rep. by its Secretary,
Ministry of Railways,
New Delhi
2. The General Manager,
Southern Railways,
Park Town,
Madras
3. The Financial Adviser and
Chief Accounts Officer,
Southern Railway,
Park Town,
Madras - 3
4. The Deputy Financial Advisor,
and Chief Accounts Officer
(Construction), No.18,
Millers Road, Bangalore -2

Respondents

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

ORDER

MR. T.V. RAMANAN, MEMBER (A)

The applicant before us, a retired
Railway servant, was suspended while in service



in the year 1985 for having been detained by the police in custody for more than 48 hours in connection with a criminal offence. A criminal case was made out against the applicant and another and, in the meanwhile, on 31.5.90, the applicant was allowed to retire from service on attaining the age of superannuation. In the criminal proceedings against him, the applicant was convicted by the Trial Court by its order dated 31.10.90. In criminal Appeal No.78/90 the conviction of the applicant by the trial court was set aside. We are now informed by the learned Standing Counsel for the Railways that the State of Karnataka has taken a decision to challenge before the High Court the order of the appellate court setting aside the applicant's conviction. We are also told that there is no information forthcoming as to whether the said decision has since been translated into action.

2. We have heard the learned counsel for the applicant and the learned Standing Counsel appearing for the respondents.

3. Due to the non-regularisation of the period of suspension of the applicant between 11.11.85, when he was placed under suspension, and 31.5.90, the date on which the applicant retired on attaining the age of superannuation, the respondents are not willing to pay the retiral benefits to the applicant. The applicant's counsel says that by not getting

retiral benefits, the applicant is put to considerable difficulties as he has to maintain a big family which includes eight daughters. Further, being a heart patient, the applicant is hard put to meet the expenses he has to incur on medical treatment.

4. Keeping in view of the present status of the case of the applicant, we consider it fair and just to direct the respondents to regularise the period of suspension on the basis of the order passed in appeal and make all payments that are due to the applicant as retiral benefits. However, the respondents may do this after obtaining from the applicant a bank guarantee for a period of one year for the amount which they will be paying to the applicant as retiral benefits. In order to safeguard their own interests should the higher court set aside the appellate order in revision, if any revision application is filed by the State Government. The respondents may work out the amount that is due to the applicant and intimate the same to him so that he may arrange to make available a bank guarantee for that amount. The intimation as aforesaid may be given within a period of one month from the date of receipt of a copy of this order. Thereafter, upon production of the bank guarantee to the satisfaction of the respondents the amount due to the applicant shall be released

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within a period of two weeks from the date
of receipt of the ^{mk}bank guarantee.

5. This application is disposed of
finally as aforesaid. No order as to costs.

Sd-

MEMBER (A)

Sd-

VICE CHAIRMAN

TRUE COPY

Sd- [Signature] 22/9
Section Officer
Adm. & Executive Tribunal
Bangalore Bench
Bangalore

Central

ua

(B-746)

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

R.A. No.101/94

CA 317/94

THURSDAY THIS THE TWENTY SECOND DAY OF DECEMBER 1994

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

Shri T.V. Ramanan ... Member [A]

G. Venkatarayappa,
Aged about 64 years,
Clerk Grade-I, Office of the
Deputy Financial Adviser and
Chief Accounts Officer,
Southern Railway,
Cantonment, Bangalore
[now retired from service] and
R/a No.U.19/W.63, I Stage,
5th Cross, Okalimram,
Bangalore-21.

... Applicant

[By Advocate Shri M.S. Ananda Ramu]

v.

1. The Union of India
rep. by its Secretary,
Ministry of Railways,
New Delhi.
2. The General Manager,
Southern Railways,
Park Town, Madras.
3. The Financial Advisor and
Chief Accounts Officer,
Southern Railway,
Park Town, Madras-3.
4. The Dy. Financial Advisor,
and Chief Accounts Officer,
[Construction], 18, Millers
Road, Bangalore-2.

... Respondents

[By Advocate Shri A.N. Venugopal
Standing Counsel for Railways]

O R D E R

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

1. Having heard this application through and through
we find that we cannot may be do anything more than
modifying the operative portion of our order made

while disposing of O.A. No.317/94 decided on 15.9.1994. As a matter of fact this application is filed seeking a review of that order but we may straight away say that we do not propose to review that order but instead acceding to the submission made on behalf of the applicant that he finds it difficult to comply with the directions issued earlier asking him to furnish a bank guarantee to the satisfaction of the authorities, so that all the moneys due to him and outstanding can be paid to him. We only modify the said direction as a matter of fact was made pursuant to the consent given by the applicant himself but now we are told that he is not in a position to furnish the bank guarantee and that instead he would furnish some immoveable property security along with an indemnity bond supported by a surety. In the circumstance we deem it proper to direct the applicant to furnish, instead of the bank guarantee as ordered earlier, security of immoveable property by deposit of title deeds supported by a personal bond undertaking to indemnify the department and a surety in a like sum. With these directions made anew, we dismiss this Review Application.

2. Shri Ananda Ramu for the applicant is somewhat apprehensive about the time the department may take to make payment of money dues to his client even after the applicant complying with such directions. Shri A.N. Venugopal for the Railways seeks to allay his fears and says that the moment the applicant complies