

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

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

Review Application No.7 of 1994 in

Dated:- 29 APR 1994

APPLICATION NUMBER: 758 of 1993.

APPLICANTS:

Chief Supdt. of Central Telegraph  
Office, Bangalore and another  
To.

RESPONDENTS:

v/s. B.V. Pillappa, Bangalore

1. Sri.M.Vasudeva Rao, Addl. Central Govt. Stng. Counsel,  
High Court Bldg, Bangalore-1.
2. The Chief General Manager, Karnataka Telecom Circle,  
No.1, Old Madras Road, Ulsoor, Bangalore-8.
3. Dr.M.S.Nagaraja, Advocate, No.11, Sujatha Complex,  
Second Floor, 1st Cross, Gandhinagar, Bangalore-9.

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 19th April, 1994.

Issued on  
29/4/94

*[Signature]*

gm\*

*o/c*

*[Signature]*  
for DEPUTY REGISTRAR  
JUDICIAL BRANCHES. 29/4

CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE BENCH

REVIEW APPLICATION NUMBER 7 OF 1994

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.

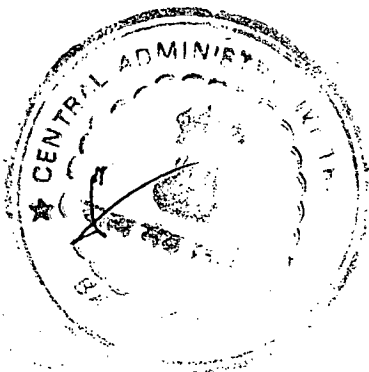
.. Respondent.

(By Advocate Dr. M.S. Nagaraja)

O R D E R

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)

Sd-

VICE-CHAIRMAN.



TRUE COPY

*S. S. Rauhar*  
SECTION OFFICER 29/4  
CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH  
BANGALORE