

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

O.A.No.41/2020

Dated Thursday, the 9th day of January, 2020

PRESENT

Hon'ble Mr.P.Madhavan, Judicial Member

&

Hon'ble Mr.T.Jacob, Administrative Member

K. Venkataramana Rao

No. 192/5, Kalaimagal Apartments

S.V. Lingam Salai

K.K. Nagar

Chennai – 600 078. ...Applicant

By Advocate M/s R. Malaichamy

Vs

1. Union of India

Rep. by the Member (P)

Ministry of Communications

Department of Posts

Dak Bhavan, Sansad Marg

New Delhi – 110 001.

2. The Secretary

Ministry of Communications

Department of Posts

Dak Bhavan, Sansad Marg

New Delhi – 110 001.

3. The Chief Postmaster General

Tamil Nadu Circle

Anna Salai, Chennai 600 002.

4. The Director of Postal Services
Chennai City Region
Chennai 600 002.

5. The Postmaster General
Chennai City Region
Chennai 600 002.

6. The General Manager
Postal Accounts and Finance
Ethiraj Salai, Chennai 600 008.

7. The Senior Superintendent of Post Offices
Chennai City Central Division
Chennai 600 017.

8. The Senior Superintendent of Post Offices
Chennai City South Division
Chennai.

9. The Head Postmaster
Head Post Office
Mylapore Chennai – 600 004.

10. The Sub-Postmaster
Triplicane Sub-Post Office
Triplicane Chennai 600 005.

11. The Sub-Postmaster
Madras Presidency College SO
Chennai – 600 005.

12. The Head Postmaster
St. Thomas Mount Head Post Office
Chennai 600 016. ...Respondents

By Advocate Mr. Su Srinivasan

(Order: Pronounced by Hon'ble Mr.P.Madhavan, Member(J))

Heard. The applicant has filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:

"i. To direct the respondents

(a) to refund the excess amount recovered from his arrears of pension and gratuity with interest at the rate of 12% per annum to the applicant

(b) direct the authority to revise and refix his retirement service benefits including pension by taking into his last pay drawn at Rs. 14,420/- + DA and pay the arrears with interest at the rate of 12% per annum to the applicant

(c) direct the authority to revise and re-fix his pensionary benefits as per the 7th CPC recommendation and pay the arrears with interest at the rate of 12% per annum to the applicant and

(d) treat the period of suspension as duty period for the purpose of pensionary benefits and revise and re-fix the pay and allowances of the applicant and also the retirement service benefits including pension and pay the arrears with interest at the rate of 12% per annum to the applicant, and;

ii. To pass such further orders".

2. The applicant while working as Sub Postmaster in the respondent department was dismissed from service vide order dated 04.04.2012 which he challenged before this Tribunal in OA 753/2013 wherein this Tribunal on 05.10.2016 held that the dismissal is disproportionate to the charges levelled against him and remitted the applicant's case to the department for reconsideration. On the revision petition dated 19.11.2016 preferred by the applicant, the 1st respondent modified the penalty of dismissal to compulsory retirement and also ordered that the share of loss of the applicant may be recovered from the retirement benefits, vide order dated 27.03.2017. The grievance of the applicant is that the respondent authority has recovered the entire loss caused to the department from the retirement benefits of the applicant and also the applicant's pension has not been properly worked out

Further the benefit of 7th CPC has not been extended to the applicant and his period of suspension has also not been regularized and hence the OA.

3. When the matter came up for hearing, learned counsel for the applicant would submit that applicant has made a representation dated 24.01.2019 before the competent authority regarding his grievance which is still pending and no order is passed. The applicant will be satisfied if his representation dated 24.01.2019 is disposed of within a stipulated time frame.

4. Mr.Su.Srinivasan, SCGSC, takes notice on behalf of the respondents and submits that the respondents have no objection for disposal of the representation of the applicant on merits.

5. In view of the limited submission and without going into the merits of the case, the OA is disposed of in the following lines:

"The competent authority is directed to consider the applicant's representation dated 24.01.2019 on the basis of relevant rules and regulations and pass a reasoned and speaking order, within a period of two months from the date of receipt of a copy of this order."

**(T.JACOB)
MEMBER (A)**

09.01.2020

M.T.

**(P.MADHAVAN)
MEMBER (J)**