

(8)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No. 525/2001

New Delhi, this the 25th day of September, 2001

HON'BLE MR. JUSTICE ASHOK AGARWAL, CHAIRMAN
HON'BLE MR. M.P. SINGH, MEMBER (A)

Draupadi Devi
W/o Late Shri Hans Ram
R/o Vill. & P.O. Jharsa
Distt. Gurgaon (Haryana)

... Applicant

(Noné)

V E R S U S

1. Union of India
Through its Secretary
Ministry of Communication
Govt. of India, Sanchar Bhawan
New Delhi.

2. The Director Postals Services
Delhi Circle
Delhi.

... Respondents

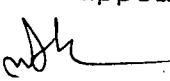
(By Shri R.N. Singh, Advocate)

ORDER (ORAL)

Shri M.P. Singh:-

By filling this OA, the applicant has sought a direction to the respondents to comply with their order dated 27.8.1999 and release all the benefits i.e. pension, arrears of pension and gratuity to her.

2. Late Shri Hans Ram, husband of the applicant who was employed as Treasurer Malka Ganj Post Office was placed under suspension with effect from 24.2.1979 in view of a criminal case lodged against him under Section 499 IPC. He was finally dismissed from service vide Memo dated 28.4.1987. The Sessions court by its judgement dated 9.3.1987 convicted him. In the meanwhile, he expired pending his appeal on 14.6.1994. The aforesaid appeal was thereafter pursued by the



applicant and the appellate authority by its order dated 4.9.1995 acquitted him. Based on the order of acquittal, applicant moved the respondents to grant her his service benefits. By the order dated 27.8.1999, the Senior Superintendent of Post Offices, Delhi North Division, Delhi directed that the husband of the applicant should be treated as on duty during the period from 24.2.79 when he had been placed under suspension till 31.5.90, date on which he was to superannuate for all purposes. The contention of the applicant is that even after passing of the impugned order, no payment in regard to the salary for the aforesaid period is made to her.

3. The respondents in their reply have stated that a sum of Rs.18,328/- as leave encashment was drawn in March 2000 and paid to the applicant through SPM Malkaganj Post Office, Delhi. A sum of Rs. 27,370/- as gratuity was sanctioned to the applicant vide Office Memo dated 5.11.2000. Family Pension at the rate of Rs.823/- per month upto 27.5.1997 and thereafter at the rate of Rs.450/- per month was sanctioned and forwarded to DA (P) Ambala vide letter dated 25.10.2000 to the applicant who is drawing her family pension from Postmaster, Gurgaon. The last family pension was drawn by the applicant on 5.3.2001. The case for revision of pension from 1.1.1996 has also been calculated by the DA (P) Delhi vide letter dated 12.4.2001. An amount of Rs.1,36,516/- the difference of pay and allowances w.e.f. 24.2.1979 to 31.5.1990 in favour of the deceased Government servant



has been drawn in December 2000 and is lying undisbursed. The applicant has claimed the life time arrears by her application dated 3.4.2001 and the claim papers have accordingly been sent to SSP Gurgaon for necessary verification. As soon as the claim papers are received, life time arrears would be sanctioned in favour of the applicant.

4. The applicant and her advocate are absent. We have heard Shri R.N.Singh, the learned advocate appearing on behalf of the respondents. We proceed to dispose of the OA on merits in terms of Rule 15 of the Central Administrative Tribunal (Procedure) Rules, 1987 in the absence of the applicant and her advocate. We have also perused the relevant record.

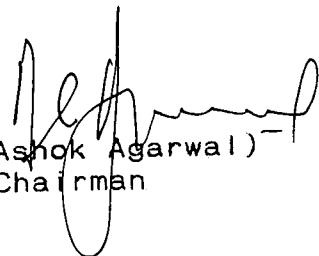
5. The learned counsel for the respondents during the course of arguments submitted that an amount of Rs.1,36,516/- towards difference of pay and allowances was sent to the SSP, Gurgaon under letter dated 3.4.2001 and this OA has been filed by the applicant on 22.12.2000. ~~It is because of this fact that~~ The aforesaid amount of Rs.1,36,560 could not be paid to the applicant because of the verification by the SSP, Gurgaon. The learned counsel for the respondents was not sure whether this verification of the SSP has been completed and the aforesaid amount has been disbursed to the applicant. Since the amount of Rs.1,36,516/- being claimed by the applicant in the OA has already been



sanctioned and is in the process of disbursement, the relief claimed by the applicant does not survive.

6. Present OA in the circumstances is dismissed with no order as to costs.


(M.P. Singh)
Member (A)


(Ashok Agarwal)-
Chairman

/sns/