

MA No. 687/2020
(Arising out of OA No. 530 of 2020 disposed on 17.08.2020)

Smt. Binapani Panda

vs.

Union of India represented through Secretary, Department of Posts

Order reserved on 06.01.2021

Date of Order:

For applicant: Mr. L. Jena, counsel.

For respondents: Mr. B. R. Mohapatra, counsel.

ORDER

This Tribunal had disposed of OA No. 530/2020 vide order dated 17.12.2020 with the following observations:

Heard both the learned counsels through video conferencing.

Learned counsel for the applicant submits that the applicant had served as GDS since the year 1985 till 2011. Thereafter he was promoted and working as MTS. He expired on 6.10.2011. In spite of this fact the family members of the deceased employee were forced to run from pillar to post to get the pension.

We find that the respondents have taken hyper technical approach and directed them to submit medical certificate as per Annexure A/12 and A/26. It is not known as to why the concerned authorities have not taken prompt action in this case with due sympathy and empathy. They have taken dilatory tactics in not releasing pension to the widow of the employee.

Although learned counsel for the respondents prays for time to take instruction, we are constrained not to allow any more time to the respondents. Respondents are directed to disburse the pension in favour of the applicant in accordance with law if there is no other legal impediment to do so, without taking the plea of non-submission of medical certificate. If necessary competent authority shall exercise his discretion in exempting submission of medical certificate.

However, it is directed that entire exercise be completed within 3 weeks and compliance report be supplied before this Tribunal.

OA is accordingly disposed of with the said observation. There will be no order as to costs.

Copy of this order be handed over to both the learned counsels.

2. The applicant has filed MA 687/2020 submitting that there are some addition/omission in the said order due to typographical errors which are as follow:

- a) That in second line of the order, it may be modified as “That the husband of the applicant had served as GDS since the year 1985 till 2011”.

- b) In the first line of the third paragraph may be deleted and in that place it may be incorporated “we find that Respondents have taken hypertechnical approach by exchanging internal communications under A/5, A/7 and A/8.”
- c) In the last line of the fourth paragraph, it may be added “as per Annexure A/12”.

The applicant submitted that unless the final order dated 17.12.2020 is modified to the extent as mentioned above, the applicant will suffer an irreplaceable loss and hardship.

3. Although learned counsel for the respondents had objected to prayer made in the MA on the ground that the correction sought for do not come under the scope of typographical error, this Tribunal finds that those are in fact typographical errors. Besides that there is no Annexure A/26 which has been by mistake mentioned at Para No. 3. Accordingly the MA is allowed and “husband of applicant” is corrected in first sentence of para no.2 as it was mentioned as “applicant”.

4. Similarly the words “by exchanging internal communication under Annexure A/5, A/7 & A/8” are added by replacing the words “ directed them to submit medical certificates as per Annexure A/12 & A/26” in first sentence of para no. 3.

5. Similarly the word “as per Annexure A/12” are added at the end of para no. 4.

6. The MA is accordingly allowed since this Tribunal is satisfied that no prejudice is going to be caused to the respondent department by allowing them MA, since direction has been given by this Tribunal to the respondents to disburse the pension in favour of the applicant in accordance with law, if there is no other legal impediment to do so, without taking plea of non-submission of medical certificate while disposing of the OA finally on 17.12.2020.

7. Necessary correction are made to rectify the typographical mistakes.

8. Copy of this corrected order be supplied to learned counsel for both the sides and be sent to the respondents.

(ANAND MATHUR)
MEMBER (A)

(SWARUP KUMAR MISHRA)
MEMBER (J)

(csk)