

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD.

Dated : This the 11th day of April 2002

Original Application no. 1494 of 1994.

Hon'ble Maj Gen K.K. Srivastava, Member (A)
Hon'ble Mr. A.K. Bhatnagar, Member (J)

1. Smt. Ganga Devi, W/o Late K.L. Sharma,
 2. Raj Narain Sharma | Sons of Late K.L. Sharma
 3. Rama Shanker Sharma |
 4. Krishna Kant | Grand sons of late K.L. Sharma
 5. Deepak | under the guardianship of Smt. Ganga Devi
- all R/o Mohalla Satauli, Etmadpur, Distt. Agra.

... Applicants

By Adv : Sri A.P. Srivastava

Versus

1. Union of India, through the Secretary
Ministry of Communication, Post and Telegraphs
Department, New Delhi.
2. The Post Master General, U.P. Circle, Lucknow.
3. The Sr. Superintendent of Post Offices,
Agra Division, Agra.

... Respondents

By Adv : Sris.C. Tripathi

ORDER

Hon'ble Maj Gen K.K. Srivastava, Member-A.

In this OA filed under section 19 of the A.T. Act, 1985, the applicant has challenged the orders dated 27.4.1993 and ~~27.4.1993~~ 25.10.1993 passed by Sr. Supdt. of Post Offices (in short SSPOs) Agra Division, Agra (respondent no. 3) and has prayed that the impugned orders dated 27.4.1993 (Ann A-1) and 25.10.1993

(Ann A-2) be quashed and the pension of the applicant be fixed as per revised pay scales taking Rs. 275/- which the applicant was drawing at the time of retirement from service. The applicant has also prayed for direction to the respondents to pay the balance amount of payment of Rs. 34683.20 p. with 14 % interest till the date of payment of arrears of salary for the period between 24.4.1968 to 31.1.1982. The applicant has further prayed that the respondents be directed to comply with the judgment and decree passed by the Court (Court of Munsif Magistrate Agra) on 20.7.1984 as confirmed by this Tribunal vide order dated 21.7.1992 in TA 442 of 1988. He has also claimed Rs. 12000/- as cost of Suit.

2. The facts, in brief, are that the applicant was permanent employee of the Department of Posts and was posted as Postman. The disciplinary proceedings were initiated against him and the applicant was suspended on 23.2.1967 and after completion of disciplinary proceedings he was dismissed from service on 22.4.1968. The applicant filed a Civil Suit no. 498 of 1982 in the Court of Additional Munsif Agra. The said suit was decreed in favour of the applicant on 20.7.1984. Feeling aggrieved with the said judgment, the Union of India filed an appeal in the Court of District Judge which was transferred to this Tribunal as TA 442 of 1988 which was upheld. The respondent no. 3 in pursuant to the decision of this Tribunal conveyed the approval to the Post Master General, Agra Region, Agra, for the payment of Pay and Allowances for the period from 24.4.1968 to 31.1.1982 amounting to Rs. 15683/-. Respondent no. 3 addressed the applicant vide the impugned letter dated 25.10.1983 to take the payment of the said amount and

3.

the applicant took the payment of the amount of Rs. 15683/- on 14.5.1993. Learned counsel for the applicant submitted that only a ~~lumpsum~~ amount of Rs. 15683/- has been paid whereas the correct amount due is Rs. 60530.20 p. thereby resulting into short payment of Rs. 34683.20 p.. Sri Jaisawal, further submitted that the applicant claimed cost and compensation of Rs. 12000/- because the Munsif Magistrate Agra, decreed the suit in favour of the applicant on 20.4.1984 with cost. Sri Jaisawal further submitted that instead of fixing the pension of the applicant at Rs. 275/- which he was drawing at the time of retirement, the respondents ^{have} having incorrectly and illegally fixed the pension taking into account the pay as Rs. 210/- and, therefore, the applicant is also entitled for the arrears with regard to pension and since the payment to the applicant is due, since long he is entitled for 14% interest on the amount due to be paid to the applicant. The applicant has also given a calculation as per his contention and has filed the same as Annexure A3.

3. Sri A. Tripathi, learned counsel for the respondents submitted that the respondents have correctly made the payment to the applicant. Sri Tripathi also pointed out that the applicant is surprisingly praying for quashing of the impugned letter dated 27.4.1993 and 25.10.1993 on the authority of which he has received the payment of Rs. 15,683/-.

4. Considering the facts of the case, we are of the view that it should be appropriate, if the representations of the deceased applicant followed by reminders are decided within specified time by Post Master General, Agra, which as alleged in para 5.2 of the OA have not been decided so far.

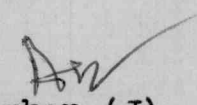


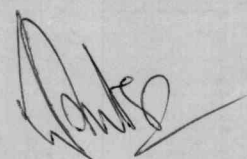
....4/-

4.

5. In the light of the aforesaid discussion the OA is finally disposed of with the direction to Post Master General, Agra to decide the representation of the applicant within 4 months from the date the representation is received along with this order by reasoned and speaking order. ^{To avoid delay} the applicants are directed to file an elaborate representations within four weeks giving details of the claim sought for. In case any payment is due to the applicants, the applicants shall be entitled for 12% interest thereon.

6. There shall be no order as to costs.


Member (J)


Member (A)

/pc/