

Open Court.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.

....

Original Application No. 824 of 2003.

this the 5th day of September'2003.

HON'BLE MR. A.K. BHATNAGAR, MEMBER (J)

Mohd. Saleem, S/o late Shri Mohd. Yaqub, R/o L-12/18,
KDA Colony, Jajmau, District Kanpur.

Applicant.

By Advocate : Sri K. Bahadur.

Versus.

1. Union of India through Secretary, Ministry of Communication, Department of posts, New Delhi.
2. Chief postmaster General, U.P. Circle, Lucknow.
3. postmaster General, Kanpur Range, Lucknow.
4. Chief postmaster, Kanpur Head post Office, Kanpur.

Respondents.

By Advocate : Sri R.C. Joshi.

O R D E R (ORAL)

By this O.A., applicant has sought the following reliefs:

"(i) To issue a writ, order or direction in the nature of certiorari to quash the impugned order direction dated 20.6.2003 given by Chief post Master, Kanpur Head post office/respondent no.4 to APM/A/Cs Kanpur Head post office (Annexure no.1 to this O.A.) regarding to arrange payment of DCRG after adjusting the co-operative Society dues amounting worth Rs.51,000/- from the sanctioned amount of DCRG Rs. 51896/- payable to the applicant.

(ii) To issue a writ, order or direction in the nature of mandamus commanding the respondents not to give effect the impugned order direction dated 20.6.2003 given by Chief postmaster, Kanpur Head post office (Annexure-1 to this O.A.) regarding to arrange payment of DCRG after adjusting worth Rs. 51000/- from the sanctioned amount of DCRG Rs. 51,896/- payable to the applicant.

(iii) To issue a suitable writ, order or direction directing the respondents to pay the full sanctioned amount of DCRG Rs. 51,896/- to the applicant with reasonable interest admissible in law.

(iv) To issue a suitable writ, or-der or direction directing the respondent to sanction provisional Family pension to the applicant/claimant father of deceased son late Mohd. Shamim, Group 'D', Kanpur Head post office and to allow early payment of Group Insurance amount to the applicant.

(v) -----.

(vi) -----."

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2. The case of the applicant is that the deceased employee had taken loan from postal Co-operative Society to the tune of Rs.51000/- on two surities. It is stated that the dues of Co-operative Society was noticed by the respondent no.4 and in accordance with the provisions in Rule 64 of CCS (Pension) Rules, 1972 and Rule 80-A read with Rule 51 sanction was hereby accrued for payment of DCRG amounting to Rs.51896/- after adjusting the dues of Co-operative Society Rs.51000/-. It is stated by the applicant that the said action of the respondents is against the existing rules of the department. The learned counsel for the applicant has invited my attention to para 1 of Government of India's Decisions at page 23 of the O.A., which reads as under :

"(1) Dues to Municipality & Co-operative Societies not treated as Government dues ; The arrears of water and electricity are dues of the Municipal Committees, etc, which are local bodies and are, therefore, not Govt. dues. Similarly, Co-operative Societies are not Govt. or ganizations and any dues to them cannot be treated as 'dues to Government'. No recovery of such dues can be made from the death-cum-retirement gratuity."

3. I have heard both the counsel and have perused the record.


4. The learned counsel for the respondents has prayed some time to file Counter, but I do not consider it necessary at this stage to call Counter from the respondents, and I am of the opinion that ^{the} ends of justice shall better be served if the representation of the applicant filed on 26.6.2003 (Annexure A-10) is decided by the respondent no.3 within a specified period of time after considering all the points taken therein.

4. The O.A. is finally disposed of at admission stage itself with the direction to the respondent no.3 to decide the pending representation of the applicant dated 26.6.2003 (Annexure A-10) considering all the points taken therein, which has been duly received by the department on the same day i.e. 26.6.2003, by a reasoned and speaking order within a period of three months from the date of communication of this order. It is, however, provided that the operation of the impugned order dated 26.6.2003 shall not be given effect

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to, if not already effected to, till the representation of the applicant is decided.

5. In the facts and circumstances of the case, the parties shall bear their own costs.


MEMBER (J)

GIRISH/-