

(2)

OPEN COURT

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.**

ORIGINAL APPLICATION NO.304 OF 2006.

ALLAHABAD THIS THE 11TH DAY OF SEPTEMBER 2007.

Hon'ble Mr. Justice Khem Karan, V.C.

Chandra Prakash Sharma, S/o Late Shree Ram Sharma, R/o 568
Brahampura Bhor, Bareilly U.P.

.....Petitioner

(By Advocate: Sri R.C. Pathak)

Versus.

1. Union of India through the Secretary for Communication, Ministry of Communication (Department of Posts), Government of India, Dak Bhawan, New Delhi.
2. The Chief Post Master General (CPMG), U.P. at Lucknow.
3. The Director, Postal Accounts O/O CPMG, U.P. Circle, Lucknow.
4. The PMG, O/O PMG Bareilly Region, Civil Lines, Bareilly.
5. The Sr. Supdt. Of Post Offices, O/O SSPOs Division, Bareilly.
6. The Sr. Post Master, Head Post Office, Bareilly

.....Respondents

(By Advocate: Sri S. Singh)

ORDER

The applicant - Chandra Prakash Sharma, who retired on 31.7.2005 from the post of Postman (Sorting Overseer Cadre), is praying for the following relief(s):-

- (i) Issue suitable order or direction by way of certiorari quashing the order dated 20.1.2006 shown as Annexure no. I to this O.A.
- (ii) Issue suitable order or direction by way of mandamus directing the respondent nos. 5 and 6 to pay regular pension, gratuity, CGEIS, 40% commutation with arrears and 18% penal interest and other consequential benefits.
- (iii) Issue suitable order or direction by way of mandamus to the respondent no.5 to promote the applicant under TBOP Scheme and pay him arrears with 18% penal interest.



- (iv) Issue suitable order or direction by way of mandamus directing the respondent no.6 to pay pension to the applicant which has been stopped since 3 months.
- (v) Issue suitable order or direction by way of mandamus directing the respondent nos. 5 and 6 to decide the representation of the applicant by reasoned and speaking order with delay within 15 days.
- (vi)
- (vii)

2. His case, in brief, is that under the relevant orders/guidelines he was entitled to the benefit of Time Bound One Promotion (in short TBOP) on completion of 16 years of service and to the benefit of BCR on completion of 26 years of service. He alleges though the respondents gave him the benefit of BCR, but did not grant TBOP. His second grievance is that the respondents have withheld release of final pension, gratuity and other retiral benefits.

3. The respondents have come with a case that the applicant is being paid provisional pension and has already been paid provisional DCRG as disclosed in the Supplementary Reply. They say that the applicant was not entitled to the benefit of TBOP on completion of 16 years of service as he had already been given promotion before completion of 16 years of service.

4. I have heard parties' counsel. The claim for grant of TBOP does not appear to be well founded as applicant had already been promoted to the post of Head Postman (Sorting). On the date the scheme came into force in 1983, the applicant was not in one grade for 16 years. He was given BCR, on completing 26 years of service.

5. There is no dispute that the applicant is entitled to the pensionary benefits as are admissible to a retired Government servant. Though, the respondents say that they are paying provisional pension or have paid provisional DCRG etc, but it is never their case that they have released the pension finally or retiral benefits. The Tribunal is of the view that the

respondents should release the pensionary benefits as may be admissible under the relevant Rules finally, without any further loss of time as the applicant retired long back in July, 2005.

6. So, this O.A. is finally disposed of with a direction to the respondents to ensure that the final pension, final payment of DCRG and other retiral benefits as may be admissible under the relevant rules are released within a period of three months from the date a certified copy of this order is produced before them. No costs.

/s/ [Signature] 11.9.07
VICE CHAIRMAN

GIRISHI.