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Central Administrative Tribunal,  
Cuttack Bench, Cuttack

Original Application No. 445 of 1990

Date of decision: May 7, 1992

Nagabhar Sabara

.. Applicant

-Versus-

Union of India and others

.. Respondents

For the Applicant

M/s P.V. Ramdas, B.K. Panda,  
D.N. Mohapatra, Advocates.

For the Respondents

Mr. A.K. Misra, Sr. St. Counsel (CAT)

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CORAM :

THE HONOURABLE MR. K.P. ACHARYA, VICE CHAIRMAN.

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1. Whether reporters of local papers may be allowed to see the judgment? Yes.
2. To be referred to the reporters or not? NO
3. Whether Their Lordships wish to see the fair copy of the Judgment? Yes.

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J U D G M E N T

K.P.ACHARYA,V.C.

In this application under section 19 of the Administrative Tribunals Act, 1985, the Petitioner prays for issuance of a direction to the Opposite Parties to restore the services of the Petitioner as E.D.M.C. of Godiabandh Branch Office with consequential benefits following therefrom and to issue a direction to the Respondents to institute an enquiry and make payment of all the retiral benefits, with interest and further more the prayer is to give a compassionate appointment to the son of the Petitioner.

2. Mr. P.V.Ramdas learned counsel appearing for the Petitioner did not press prayer No.1 which is for reinstatement and therefore, this Bench confind itself to the prayer relating to the payment of retiral benefits and <sup>appointment</sup> compassionate of his son.

3. Shortly stated the case of the Petitioner is that he is a member of the Scheduled caste and was appointed as Extra Departmental Mail Carrier on 7th February, 1958 in the Godiabandh Branch Post Office in account with Gunupur Head Office within the District of Koraput. The Petitioner filed an application contained in Annexure-R/3 praying before the Competent authority to allow him to retire as he was not fully capable of discharging his duties due to his illness. Accordingly, the Petitioner retired on 31st December, 1988 as soon as he reached the age of superannuation (65 years). Therefore, rightly Mr. P.V.Ramdas did not press prayer No.1.

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4. In their counter, the Opposite Parties maintained that the Petitioner is entitled to an exgratia gratuity amounting of Rs. 3000/- and the Director of Postal Services vide his Memo No. ~~AP~~RD/30-3/11-89 dated 8th May, 1989 contained in Annexure-R/5 has sanctioned Rs. 3000/- which is not being received by the Petitioner for the reasons best known to him. In these circumstances, it is further maintained by the Opposite Parties that the application being devoid of merit is liable to be dismissed.

5. I have heard Mr. P.V. Ramdas learned Counsel for the Petitioner and Mr. Aswini Kumar Misra learned Standing Counsel (CAT) appearing for the Opposite Parties. Since the Petitioner has been awarded the benefit of the gratuity amount (which is the only retiral benefit of the Petitioner), I think there is no further grievance of the Petitioner on account of nonpayment of the retiral benefits. But at the same time one cannot lose sight of the fact that the payment order has been issued on 8.5.1989 even though the petitioner retired on 31st December, 1988. Law is well settled that the retiral benefits should be settled without any delay and it has been held by the Hon'ble Supreme Court in the case of State of Kerala Vs. N. Padmanabhana Nair reported in 1985 (1) SCC 429 that payment of gratuity and pension is no longer any bounty being distributed by the Government. Therefore through Mr. Ramdas pressed that with effect from 31.12.1988 interest @ 12 per cent per annum should be granted in favour of the Petitioner, I find that there was no wilful neglect on the part of the Opposite Parties to finalise the amount due to the petitioner till 31.1.1989 as some time must be allowed

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to process the matter and finalise the same. Therefore, I would grant one months time for the said purpose. Hence I would direct that with effect from 1st February, 1989 till the date of receipt of the aforesaid order, mentioned in para 4 of this judgment, by the Petitioner, the Petitioner would be entitled to interest @ 12% per annum and the amount be calculated and paid to the Petitioner within 60 days from the date of receipt of a copy of the judgment.

6. So far as the prayer for compassionate appointment to the son of the petitioner is concerned, I have seen several orders in the meanwhile passed by the Chief Post Master General giving compassionate appointment to those deserving candidates whose father has died in service and/or would retire due to his health conditions. Here is a case where member of a Scheduled Caste has retired from service. We are all aware of the difficulty of the members of SC/ST who require sympathetic consideration. In his application, it is stated by the Petitioner that he has made an appeal to the Gunupur SDIP for a compassionate appointment of his son. Unless, that application is still in existence, it could not have formed subject matter of Annexure-R/3. The Chief Postmaster General is requested to sympathetically consider the case of the petitioner Shri Natagar Sabara to give an appointment on compassionate ground to his son if otherwise he is found to be suitable as per rules.

7. Thus, the application is accordingly disposed of leaving the parties to bear their own costs.

