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CENTRAL ADMINISTRATIVE TRIBUNAL: CUTTACK
BENCH: CUTTACK.

ORIGINAL APPLICATION No.510 of 1990.

Date of Decision: 19th July, 1991.

Jogeswar Mohant ...

Applicant.

Versus,

Union of India & Ors.

Respondents.

For the applicants:

M/s.S.B.Mohanta,
S.P.Mohanty,

P.Ch.Mishra, G.S.Namtoar,
(Advocates).

For the Respondents:

Sri A.K.Mishra,
Senior Standing Counsel (Central).

C O R A M :

THE HON'BLE MR .N.SENGUPTA, MEMBER (JUDICIAL)

A N D

THE HON'BLE MR .I.P.GUPTA, MEMBER (ADMINISTRATION)

1. Whether reporters of local papers may be allowed
to see the judgment ?

2. To be referred to the reporters or not ?

3. Whether their lordships wish to see the fair copy
of the Judgment ?

J u d g m e n t.

N. SENGUPTA: MEMBER (J).

The applicant was working as ~~the~~ EDDA of Bananda Biunria Branch Office. During his service for a certain period he was put off duty on account of a disciplinary proceeding. After the conclusion of the disciplinary proceeding, he was reinstated in service but he was not ~~getting~~ ^{given} any allowances for the period he was put off duty which was prior to August, 1981. Subsequently the applicant informed the Postal Authority i.e. Inspector of Post Offices vide his letter dtd. 14.1.1985 vide Annexure-R/9 that ^{there} he was aged ~~about~~ more than 65 years though ~~he~~ was no record of this date of birth. Acting on this, the local postal authority allowed him to retire and thereafter he made application for his pensionary benefits. The applicant in his application has averred about providing a house for the Branch Post Office for which he claimed rent but his claim was refused. He has also averred that he is entitled to ~~allowance~~ during his put off period, though while claiming the relief in para-8 of his application he has confined to ~~the~~ grant of Ex-Gratia gratuity.

2. The Respondents has mentioned that the applicant is entitled to Ex-gratia gratuity but he has to submit a certificate of fitness from the competent medical ~~practitioner~~ ^{practitioner}.

3. Mr. Mohanta learned counsel for the applicant ^{contends} that it is really impossible for the applicant to obtain a certificate about his state of health at a point of time anterior to his retirement after the lapse of two to three years. Mr. A. K. Mishra, learned Senior standing counsel for the postal department, has urged that in the service book of the applicant the date of birth was mentioned and according to that date of birth, the applicant would not have been 65 years of age on the date he submitted Annexure-R/9. Therefore his submission of the medical certificate has been necessary. What-ever might have been recorded in the ~~Service Role~~ of the applicant as his date of birth, the fact remains that he had himself admitted to have attained the age of 65 on the date he submitted Annexure-R/9. A statement made by a person ~~estopped~~, often operates ⁱⁿ ~~here is a case where Annexure-R/9 the applicant appears to have made a statement in being~~ fully ~~concise~~ of its natural ~~conciseness~~ ^{consequences}. Not only that, the postal department accepting that allowed him to retire, this conduct of the postal department works as ~~a stable~~ ^{asking} against their subsequent ~~claim~~ for medical certificate.

4. In view of these circumstances, we direct that the applicant be paid his Ex-gratia-gratuity as per the rules within one month from the date of the receipt of the copy of this judgement. The case is

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accordingly disposed of.

I. Hossain
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Member (Admn.)

.....
Member (Judicial).
17-7-91-
M. Hossain

