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(6)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH: CUTTACK.

Original Application No. 417 OF 1995
Cuttack, this the 13th day of February, 1996

Smt.C.V.Ramana Applicant
Vrs.
Union of India & others Respondents

(FOR INSTRUCTIONS)

- 1) Whether it be referred to the Reporters or No.
not?
- 2) Whether it be circulated to all the Benches
of the Central Administrative Tribunal or not? No.


(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)

13 FEB 96.

CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO.417 OF 1995

Cuttack, this the 13th day of February, 1996

CORAM:

THE HONOURABLE SHRI H.RAJENDRA PRASAD, MEMBER (ADMINISTRATIVE)

Smt.C.V.Ramana, aged about 45 years,
w/o Sri C.S.Rao, At-Sharaf Mahal,
Opp.National Engineering Co..
Manisahu Chhak, Buxi Bazar,
Cuttack-753 001

....

Applicant

By the Advocates

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M/s K.P.Misra, B.S.Tripathy
M.R.Kar & P.K.Mohapatra.

-versus-

1. Union of India, represented by
the Secretary to Government of India,
Department of Post, New Delhi.
2. Director General of Posts,
Dak Bhawan, Sansad Marg,
New Delhi-110 001.
3. Chief Post Master General,
Orissa, Bhubaneswar.
4. Deputy Director of Accounts (Postal),
Cuttack.

... Respondents.

By the Advocates

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Mr.Akhaya Ku.Misra,
Addl.C.G.Standing Counsel.

O R D E R

H.RAJENDRA PRASAD, MEMBER (ADMN.) Shri C.Srinivasa Rao, Accounts Officer

in the office of the Deputy Director of Accounts (Postal),
Cuttack, retired on medical invalidation on 2.4.1991 as against
his normal superannuation which was due only on 31.5.1994.

[Signature]

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On 29.5.1991 Sri Srinivasa Rao filled up Form 2 for commutation of pension. The left hand thumb impression of Sri Srinivasa Rao - he was unable to sign papers owing to his reported physical disability - on the said application was attested by a gazetted officer on 29.5.1991.

2. It is claimed by the applicant (wife of Sri Srinivasa Rao) that this attestation amounts to medical examination of the officer which is required to be carried out for purposes of commutation of pension. It is mentioned by the respondents that this was no more than a mere attestation of the L.T.I. of the applicant, and was not a proof of any medical examination, because in cases of invalidation, the examination is required to be done by a Medical Board and not by a single medical officer.

3. The applicant also claims that the application after due attestation was submitted by hand in the office of the Deputy Director of Accounts (Postal) on 29.5.1991. It is, however, stated by the respondents that the application was received by hand from the present applicant only on 17.6.1991. Thereafter respondent No.4 took about four days for preliminary check of the application and other related initial formalities before the application for commutation was transmitted to the Pension Branch. The application thus reached the concerned Branch on 21.6.1991. By an unfortunate coincidence Sri Srinivasa Rao passed away on the same date, i.e. 21.6.1991. There being no further scope to process the case, the case for commutation was filed and such reliefs and other entitlements to which the deceased officer was entitled were duly processed and sanctioned in favour of the present applicant. It is revealed that the

15/6/1991

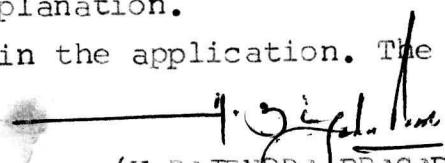
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deceased officer's daughter has also been appointed in relaxation of the normal recruitment rules on compassionate grounds as directed in an earlier O.A.

4. The present application arises from a grievance of the applicant that the commutation of pension applied for by the officer has not been processed or sanctioned. The applicant therefore prays for the quashing of D.D.A.(P) Cuttack letter No.Pen-IV/PC-44/91-92/25937 dated 27.1.1995 wherein her request for commutation of pension in respect of Shri Srinivasa Rao was turned down.

5. The applicant has given many lengthy arguments and has quoted many provisions from the Central Civil Services (Commutation of Pension) Rules, 1981. The arguments are based, firstly, on the assertion that Shri Srinivasa Rao had been duly examined medically for the purpose of commutation of pension and, secondly, that the application was submitted on 29.5.1991. It is, however, seen that this is not the case as explained at length on behalf of the respondents. There are ample reasons to conclude that the application was received only on 17.6.1991.
that
and there was no avoidable or deliberate delay in processing the claim. The case could not be finalised owing simply to the fact of sudden demise of the officer. The applicant has also selectively quoted certain rules or portions thereof, some of them out of context, which are inapplicable in her case. The correct position of rules has been adequately explained by the respondents. I accept their explanation.

6. There is no merit in the application. The same is disallowed.


(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)

13 FEB 96