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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO. 376 OF 1998
Cuttack this the 12th day of May, 1999

(PRONOUNCED IN THE OPEN COURT)

Gobardhan Digal

Applicant(s)

-Versus-

Union of India & Others

Respondent(s)

(FOR INSTRUCTIONS)

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


(G. NARASIMHAM)
MEMBER (JUDICIAL)


(SOMNATH SOM)
VICE-CHAIRMAN

CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO.376 OF 1998
Cuttack this the 12th day of May, 1999

CORAM:

THE HON'BLE SHRI SOMNATH SOM, VICE-CHAIRMAN
AND
THE HON'BLE SHRI G.NARASIMHAM, MEMBER(JUDICIAL)

...

Sri Gobardhan Digal,
aged about 35 years,
S/o. Sri Rajendra Digal,
Village: Kasinpadar,
Via: Phiringia
District: Kandhamal

...

Applicant

By the Advocates : Mr.P.K.Padhi

-Versus-

1. Union of India represented
by it's Chief Post Master General(Orissa)
At/Po: Bhubaneswar,
Dist: Khurda - 751001
2. Superintendent of Post Offices,
Phulbani Postal Division
At/Post: Phulbani
Dist: Kandhamal - 762001

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Respondents

By the Advocates : Mr.A.K.Bose,
Sr.Standing Counsel
(Central)

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MR. SOMNATH SOM, VICE-CHAIRMAN: In this application under Section 19 of the Administrative Tribunals Act, 1985, the petitioner has prayed for direction to respondents to pay him subsistence allowance at the rate of 50% of the last allowance drawn. His 2nd prayer is for payment of house rent at the rate of Rs.120/- per month for the period the Branch Post Office functioned in his house. His third prayer is for direction to respondents to refund his deducted amount of Rs.10/- per month from his salary towards Central Government Employees Group Insurance Scheme.

2. The respondents have filed their counter opposing the prayer of the applicant.

We have heard Shri P.K.Padhi, learned counsel for the petitioner and Shri A.K.Bose, learned Senior Standing Counsel appearing for the respondents and also perused the records.

3. For the purpose of disposing of this Original Application it is not necessary to go into too many facts of this case excepting to note that while the applicant was working as Extra Departmental Branch Post Master, Kasinpadar Branch Post Office, he was put off duty with effect from 8.4.1994. He was later on chargesheeted and removed from service with effect from 29.4.1998. The first prayer of the applicant is that he should be paid put off duty allowance during the period he was put off duty till he was removed from service. Originally, when the applicant was put off duty, there was no provision for put off duty allowance. The relevant Rule-9 was subsequently amended with effect from 13.1.1997. Therefore, the applicant is entitled to put off duty

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allowance with effect from 13.1.1997 to 29.4.1998. The rules also provide that after payment of put off duty allowance which is termed as ex-gratia payment at the normal rate for 90 days, the departmental authorities are to undertake a review and decide if the put off duty period has been extended for reasons not attributable to the applicant himself, and if so, then his put off duty allowance will have to be increased in the manner indicated in the amended Rule-9. In consideration of this the first prayer of the applicant is disposed of with a direction to the departmental authorities to pay him put off duty allowance strictly in accordance with rules with effect from 13.1.1997 till he is removed from service, i.e. 29.4.1998 and after the initial period of 90 days, the departmental authorities are to take a ~~view~~ regarding increasing of of put off duty allowance. This exercise should be completed within a period of 90 days from the date of receipt of this order and the amount due to be paid to the applicant shall be paid within the said period of 90 days.

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The second prayer of the applicant is for payment of house rent at the rate of Rs.120/- per month for the period after he was put off duty till the time the Post Office functioned in his premises. It is submitted by the learned counsel for the petitioner that actually the rate of entitlement is Rs.25/- per month. The respondents in their counter have stated that the Department have not taken the house of the applicant for running the Post Office after he was put off duty. In the put off duty vacancy another person was appointed and the Post Office functioned as per convenience of the person

who was provisionally appointed to act E.D.B.P.M., Kasinpadar B.O. From the above averment of the respondents, it is clear that they have not specifically denied that Post Office, for some time functioned in the house of the applicant ~~after he was put off duty.~~ In view of this, the second prayer of the applicant is disposed of with a direction to respondents that for the period from 1.11.1994 to 7.11.1994, the proportionate amount of Rs.25/- per month should be paid to the applicant within a period of 90 days from the date of receipt of this order. For the period after the applicant was put off duty on 8.11.1994 till the Post Office actually functioned in his premises, as per the statement of the applicant, the departmental authorities are directed to make an inquiry and in case of the Post Office actually functioned in the premises/the applicant, then for that the period the applicant should be paid Rs.25/- per month as per the relevant instructions. In case these amounts have been paid to the provisional appointee, the provisional appointee should be directed to make payment of the said amount to the applicant according to their agreement, ~~as necessary.~~ *SJAM*.

So far as third prayer of the applicant is concerned, it is submitted by the learned counsel for the petitioner that let the departmental authorities take a decision with regard to refund of instalments deducted from his salary towards his contribution to Central Government Employees Group Insurance Scheme at the rate of Rs.10/- per month. The departmental authorities are directed to decide the issue whether under the Scheme, the amount deducted towards C.G.E.G.I.S. is refundable to a dismissed employee in accordance with instructions as

laid down in the said Scheme. This exercise should be completed within a period of 90 days from the date of receipt of this order.

Learned counsel for the petitioner Shri P.K.Padhi, in course of hearing also submitted that the applicant has not been paid ~~but off~~ ^{his} duty allowance for the period from 1.11.1994 to 7.11.1994. Even though there has been no specific prayer to that effect in the Original Application, we do not think it would be fair and proper to make the applicant ~~for~~ filing ^{from} another Original Application for getting the relief as stated above. This amount, if not already paid to the applicant should be paid within a period of 90 days as indicated above.

The Original Application is disposed of in terms of observations and directions given above, but without any order as to costs.


(G.NARASIMHAM)
MEMBER(JUDICIAL)

B.K.SAHOO


(SOMNATH SQM)
VICE-CHAIRMAN