

O.A.No.885 of 2005

Order dated 20.12.2006

(ORAL)

For Applicant - Shri Kedarnath Parida

For Respondents - Shri U.B.Mohapatra, SCGSC

.....
It is the case of the applicant that on 15.01.1965 he joined as an Extra Departmental Mail Carrier (in short, 'EDMC') at Subarnagiri B.O., in account with Kothagarh Sub Office under Superintendent of Post Offices, Kandhamal Division. Though he has retired from service with effect from 24.10.2003, the Respondents have not yet paid his retirement dues and salary for the period from May to September 2003 and his representation, dated 7.1.2005 (Annexure 1) having yielded no result, the present O.A. has been filed. He has prayed for a direction to the Respondents to pay him the retirement dues and salary for the period from May to September 2003.

2. The Respondents, in their counter, refuting the claim of the applicant, have stated that due to some wrong entry in the Divisional Seniority/Gradation List of GDS officials with regard to the date of retirement of the applicant as on 30.06.2005, he was continuing in service although the applicant, at the earliest point of time before joining the



8
service as EDMC, had mentioned '01.07.1933' as his date of birth in the Descriptive Particulars submitted by him on 08.11.1958. On the basis of a report dated 17.07.2003 received from the Postmaster, Phulbani Head Office and the Descriptive Particulars earlier submitted by the applicant on 08.11.1958 mentioning '01.07.1933' as his date of birth, the applicant was relieved of his duties with effect from 24.9.2003 by which date he had overstayed in service from 1.7.1998 to 23.9.2003; his date of retirement admittedly being 30.6.1998. The Respondents have stated that as the applicant has been removed from service from 24.9.2003, he is not entitled to any retirement benefits and the pay from May to September 2003.

3. The applicant in his rejoinder has denied the statement made by the Respondents that he has been removed from service. He has also stated that no disciplinary proceeding has ever been initiated against him, nor has any punishment been imposed on him. He has disclosed that due to certain discrepancies in the records of the Respondents, he had overstayed in service up to 23.9.2003 and all of a sudden, was relieved of his duties from 24.9.2003, which is fortified by the Office Memorandum 24.2.2006 sent to him by the



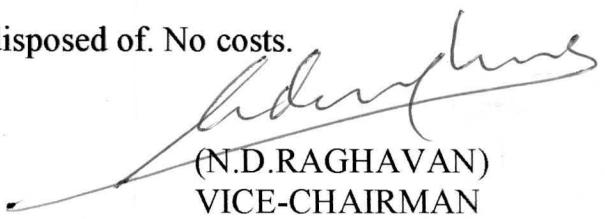
Respondent No.3, wherein it has been stated the case of the applicant is required to be forwarded to the Director General, Posts, New Delhi and that the applicant's representation has not been received by the said Respondent No.3. The applicant has submitted that as he had worked up to 23.9.2003 and was relieved of his duties on 24.9.2003, he is entitled to the salary up to 23.9.2003 and the ex gratia gratuity and other retirement benefits.

4. When the applicant's counsel accorded with the O.M. dated 24.2.2006 issued by the Respondent No.3 (Annexure 2 to the rejoinder), Shri U.B.Mohapatra, learned Senior Central Government Standing Counsel, appearing for the Respondents, has fairly raised no objection that if the applicant makes a detailed representation to the Director General, Posts, New Delhi (Respondent No.1) through Respondent Nos.2 and 3 for approval of the period of his overstaying in service and release of the ex gratia gratuity and other retirement benefits in his favour, the said Respondent No.1, who is the competent authority in such case, will duly consider the representation of the applicant and take appropriate decision in that behalf.



5. In the above view of the matter, I direct that in the event of the applicant making a representation to the Director General, Posts, New Delhi (Respondent No.1) through Respondent Nos.2 and 3, within a period of two weeks from the date of receipt of this order, for release of his salary from May to September 2003, the ex gratia gratuity and other retirement benefits, the Respondent Nos. 2 and 3 shall forward the applicant's representation, along with the relevant documents/records pertaining to the applicant, to the said Respondent No.1 within two weeks from the date of receipt of the applicant's representation, and the Respondent No.1 shall take a final decision in the matter within one month from the date of receipt of the representation and papers from Respondent Nos. 2 and 3.

5. With the above observation and direction, this Original Application is disposed of. No costs.



(N.D.RAGHAVAN)
VICE-CHAIRMAN