

7

O.A. No. 783 of 2006

Order dated: 18.02.2008

CORAM:

Hon'ble Mr. M.R.Mohanty, Vice-Chairman

Heard Mr. B.S.Tripathy, Ld. Counsel appearing for the Applicant and Mr. B.Mohapatra, Ld. Additional Standing Counsel representing the Respondent Department and perused the materials placed on record.

2. Applicant was dismissed from service and, long thereafter, he represented on 07.03.2006 for "Compensatory Pension". The said representation (a copy of which is at Annexure-A/1 to this O.A.) was addressed to the Chief Post Master General of Orissa Circle having headquarters at Bhubaneswar. His said prayer was turned down under Annexure-A/2 dated 04.08.2006 (by the Sr. Superintendent of Post Offices of Cuttack City Division, Cuttack) The text of which reads as under:-

"Sub: Request for grant of compassionate pension(Allowance).

Ref: Your representation dtd. 01.03.2006 addressed to the Chief P.M.G., Orissa Circle, Bhubaneswar.

Sir,

Your request for grant of Compassionate Pension(Allowance) vide your representation under reference was carefully considered taking into account the offences committed by you and is rejected."

3. In para-5(d), the Applicant has raised a point that "the authorities-Respondents, without considering the

J

8

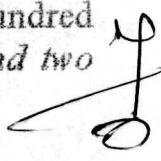
case of the applicant in its proper perspective rejected the request of the applicant in a mechanical and cryptic manner" without application of mind. In para-4(f) of the reply, the Respondents have disclosed that the Superintendent of Post Office/Cuttack "had gone through the records of the case, past service rendered by the petitioner and the fraud/misappropriation committed by the Petitioner while working as SPM, Madhusudhan Nagar, Sub-Office and found that the claim of the applicant for grant of Compensatory Pension has per the provisions contained in Rule-41 of CCS(Pension) Rules, 1972 was not justified". It has also been disclosed in the said paragraph of the counter that the applicant was of a "doubtful integrity" and that is why his prayer for Compensatory Pension was turned down. On a perusal of the impugned order dated 04.08.2006 (supra) it appears that really the rejection order was cryptic one.

Rule-41 of the CCS(Pension) Rules, 1972 reads as under:-

"(1) A Government servant who is dismissed or removed from service shall forfeit his pension and gratuity:

Provided that the authority competent to dismiss or remove him from service may, if the case is deserving of special consideration, sanction a compassionate allowance not exceeding two-thirds of pension or gratuity or both which would have been admissible to him if he had retired on compensation pension.

(2) A compassionate allowance sanctioned under the proviso to subrule(1) shall not be less than the amount of (Rupees three hundred and seventy-five) (*Rupees one thousand two*




9

*hundred and seventy five from 1-1-1996 see
GID below Rule 49) per mensem."*

4. It appears from the impugned order that basing on a C.O.Letter No. AP/6-20/Ch-III/97, dated 26.05.2006 of the CPMG(O), Bhubaneswar, Sr. Superintendent of Post Offices, Cuttack passed the impugned order.

5. In the above premises, the matter is remitted back to the CPMG, Orissa, Bhubaneswar (Respondent No.2) to re-examine the matter and pass a fresh order (notwithstanding the rejection order at Annexure-A/2, dated 04.08.2006) pertaining to the claims of the Applicant.

6. With the aforesaid observation and direction, this O.A. stands disposed of.


MEMBER (J)