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OA No.500 of 2007
R.N.Lenka Applicant
Versus
Union of India & Others Respondents

Order dated: 24th February, 2010.

C O R A M
THE HON'BLE MR. C.R.MOHAPATRA, MEMBER (A)

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Heard Learned Counsel for both sides and perused the materials placed by the Applicant with his Original Application and by the Respondents with their counter contesting the case of the Applicant.

2. Applicant is a retired Postmaster of the Department of Posts. He retired from service 1.4.2004 while working as Assistant Postmaster of Angul Head Post Office. Although by filing this Original Application under section 19 of the A.T. Act, 1985 he has sought direction to the Respondents to release his Bonus for the year 2002-2003 & 2003-2004, to finalize his pension and to release some of the Postal deposits made by him in his name, on the last date of hearing on 10.02.2010 Learned Counsel submitted that in this OA he confines his prayer for payment of Bonus for the year 2002-2003 and 2003-2004 and for release of his private saving deposits withheld by the Respondents. In view of the above, on the last occasion, Learned Senior Standing Counsel appearing for the Respondents was directed to take instruction and clarify only on the above two prayers of the applicant. Today, Learned Senior Standing Counsel submitted that Postal Savings Deposits made by the Applicant have meanwhile been released in his favour. This was not controverted by the Learned Counsel appearing for the Applicant. As regards, payment of Bonus, based on the instructions obtained meanwhile and as stated in the counter, Learned Senior Standing Counsel appearing for the Respondents submitted that in view of the departmental proceedings pending against the Applicant pertaining to the loss caused to the Department,

approval of the DGP&T, New Delhi has been sought, as required under Rule 9 of CCS (Pension) Rules, 1972 for release of DCRG and Bonus amount and the reply is yet to be received. This was vehemently contested by Learned Counsel for the Applicant by stating that there is no rule for withholding of Bonus even for the sake of argument, an employee is held guilty and as such, approval of the DGP&T, New Delhi for release of Bonus amount was not at all necessary but to delay the payment such a step has been taken by the Respondents which is not sustainable. I am completely in agreement with the argument advanced by Learned Counsel for the Applicant that Bonus cannot be withheld being not a part of the retirement dues of a Government Servant. Already considerable period has meanwhile been taken in regard to release of the Bonus amount of the Applicant. On the one hand it is urged by Learned Senior Standing Counsel for the Respondents that orders of Respondent No.1 for release of Bonus in favour of the Applicant is awaited and on the other hand it has been stated that the reply is for on behalf of the '**RESPONDENTS**'. This shows a total non-application of mind while vetting the counter by the Respondents. Be that as it may, as stated above, since considerable time has already elapsed in the matter of taking decision to release the Bonus, Respondent No.1 is hereby directed to consider release of the Bonus amount in favour of the applicant, if he is otherwise eligible in accordance with the Bonus payment order of the Government of India, within a period of 45 days from today. Further delay would entitle the applicant to claim interest at the rate of 8% per annum on the bonus amount.

3. In the result, with the observations and directions made above, this OA stands allowed. No costs.


(C.R. MOHAPATRA)
MEMBER (ADMN.)