

3
CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No. 260/00403 of 2016
Cuttack, this the 24th day of June, 2016

CORAM
HON'BLE MR. R.C. MISRA, MEMBER (A)

.....

Urmila Nayak, aged about 59 years, W/o. Late Basant Kumr Nayak, At.-Birakishorepur, Po.-Athagarh, Dist-Cuttack-754029

...Applicant

(Advocates: M/s. P.R.J. Dash, M.P.J. Ray)

VERSUS

Union of India Represented through its

1. Secretary-cum-Director General of Posts, Dak Bhawan, Sansad Marg, New Delhi-110116.
2. Chief Postmaster General, Odisha Circle, At/Po.-Bhubaneswar, Dist.-Khurda-751001.
3. Superintendent of Post Offices, Cuttack South Division, Cuttack-753001.
4. Director of Accounts (Postal), At-Mahanadi Vihar, Po-Naya Bazar, Dist-Cuttack-753004.

... Respondents

(Advocate: Mr. P.K. Mohanty)

O R D E R (ORAL)

R.C. MISRA, MEMBER (A)

Heard Mr.P.R.J.Dash, learned counsel for the applicant and Mr.P.K.Mohanty, learned ACGSC for the respondents on the question of admission and perused the records.

2. Applicant herein is the wife of late B.K.Nayak, who was working as Postal Assistant at Athagarh Bazar S.O. Grievance with which she has approached this Tribunal is that although as per the orders of this Tribunal in O.A.No.291 of 2013 and also subsequently, with the approval of the DPC her husband was granted the financial upgradation under the TBOP Scheme with



effect from 30.8.2008, the arrears dues have not actually been disbursed in favour of the applicant being the wife and legal heir of late B.K.Nayak.

Mr.Dash submitted that ventilating her grievance applicant has filed a representation dated 19.4.2016 to the Superintendent of Post Offices Cuttack (S) Division, who is res.no.3 in this O.A. with a prayer that the arrears dues accrued towards the financial upgradation under the TOBP Scheme may be disbursed in her favour including the pension being revised. Since her representation has not been responded ^{to} so far, applicant has moved this Tribunal in the present O.A.

3. It is noticed from the record that an amount of Rs.6,186/- was sanctioned ^{to} on 19.2.2015 due of revision of pay on account of the benefits of TBOP being granted whereas the actual amount for the reasons best known was not disbursed so far, which is the subject matter of grievance in this O.A. I am at a loss to understand also that the amount having been sanctioned since more than one year, there was no justifiable reason not to disburse the same in favour of the applicant, who is the widow of the postal employee late B.K.Nayak. I am therefore, of the view that the authorities should not have shown casual approaches without being sensible and realistic in disbursing the legally admissible dues in favour of the applicant. However, since a representation has been filed by the applicant and is said to be pending, at this stage, without expressing any opinion on merit, I would direct res.no.3 to consider and dispose of the aforesaid representation and communicate the decision to the applicant within a period of fort-night from the date of receipt of this order. It is further directed that if the applicant is entitled to the benefits arising out of grant of



- 3 -

TBOP and other consequential benefits, the same shall be worked out and disbursed in favour of the applicant within a further period of four weeks from the date of communication of the decision to the applicant.

4. With the above observation and direction, this O.A. is disposed of at the stage of admission. No costs.

5. On the prayer made by the learned counsel, copy of this order along with paper book be sent to res.no.3 by Speed Post at the cost of the applicant for which Mr.P.R.J.Dash undertakes to file the postal requisites by 27.6.2016.

6. Free copy of this order be made over to learned counsel for both the sides.



(R.C.MISRA)
MEMBER(A)

BKS