

4

CENTRAL ADMINISTRATIVE TRIBUNAL CUTTACK BENCH: CUTTACK

OA No.813 of 2013
Cuttack, this the 4th day of December, 2013

CORAM:
THE HON'BLE MR.A.K.PATNAIK, MEMBER (JUDICIAL)

.....
Sri Purusottam Nath, aged about 65 years, Son of Late Baidhar Nath, At/Po. Potaldiha, Ps.Kaptipada, Dist. Mayurbhanj.

.....Applicant

(Legal Practitioner – M/s.B.S.Tripathy, M.K.Rath, J.Pati, Mrs.M.Bhagat)

Versus

Union of India and others

1. Its Director General of Posts, Dak Bhawan, Sansad Marg, New Delhi-110 016.
2. The Chief Postmaster General, Odisha Circle, Bhubaneswar, Dist. Khurda-751 001.
3. The Superintendent Post Offices, Mayurbhanj Division, At/Po. Baripada, Dist. Mayurbhanj-757 001.

.....Respondents

(Legal practitioner – Mr.S.Barik)

O R D E R

(Oral)

A.K.PATNAIK, MEMBER (JUDICIAL):

The case of the Applicant, in brief, is that while working as OS Mails Baripada, West Sub Division, he retired from service on reaching the age of superannuation w.e.f. 31.01.2007. Since then he was receiving pension from Baripada Head Post Office vide PPO A/c No. CK-5189-P. But suddenly, without any notice his pension for the month of February and March, 2013 could not be credited to his account/paid to him. On his personal meeting the Postmaster, BARIPADA HO told him that his pension



has been withheld by the Circle Office. Further case of the Applicant is that as representation dated 20.04.2013 submitted to the CPMG, Odisha Circle, Bhubaneswar (Respondent No.2) did not yield any result and pension being his means of livelihood after his retirement, he has approached this Tribunal in the instant OA with prayer to direct the Respondents to release his favour with interest.

2. Heard Mr. B.S.Tripathy, Learned Counsel for the Applicant and Mr.S.Barik, Learned Additional CGSC appearing for the Respondents and perused the records.

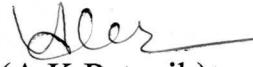
3. Mr.S.Barik has no immediate instruction as to why the pension of the applicant has been withheld and whether any decision has been taken on the representation of the applicant. On the other hand, it is the positive case of the Applicant that no disciplinary/criminal case has been contemplated/initiated/pending against him. No opportunity has also been afforded to him prior to withholding his pension. If it is so then withholding of pension is a serious matter which needs immediate examination by the competent authority but it is seen that though the applicant submitted his representation on 20.4.2013 it is not known as to why no reply has been communicated to the applicant till the date of filing of the OA on 19th November, 2013. In view of the above while deprecating such action of the Respondents, without entering into the merit of the matter, at this stage, this OA is disposed of with direction to the Respondent No.2 to consider and

Wler

6

dispose of the representation dated 20.4.2013 if it is still pending and communicate the decision to the applicant within a period of thirty days. If on consideration of the representation it is found that the pension of the applicant has wrongly been withheld though he is entitled to under the rules, the same may be restored forthwith preferably within a period of seven days from the date of said decision. If any decision has been taken on the said representation but the result has not been communicated the same may be communicated to the applicant in a well reasoned order within a period of fifteen days from the date of receipt of copy of this order. If on consideration of the representation it is found that the pension of the applicant has wrongly been withheld though he is entitled to under the rules, the same may be restored forthwith preferably within a period of seven days from the date of said decision. There shall be no order as to costs.

4. Mr.B.S.Tripathy, Learned Counsel for the Applicant prays to send copy of this order to Respondent No.2 for compliance by speed post at his cost for which he undertakes to furnish the postal requisite within four days hence. Prayer allowed.


(A.K. Patnaik)
Member (Judicial)