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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

O. A. NO. 86 OF 2013
Cuttack, this the 20th day of March, 2013

CORAM
HON'BLE MR. A.K. PATNAIK, MEMBER (JUDL.)

.....

Prahallad Behera,
aged about 72 years,
Son of Late Sridhara Behera,
At/Po-Kabalpur,
Via-Kanakpur,
Dist-Jagatsinghpur-754136.
Retd. SPM of Tyndakura S.O

.....Applicant
Advocate(s)..... Mr. P.K. Padhi

VERSUS
Union of India represented through

1. The Secretary-cum-Director General of Posts,
Dak Bhawan,
Sansad Marg,
New Delhi-110116.
2. Chief Post Master General,
Odisha Circle,
Bhubaneswar,
Dist-Khurda-751001
1. Superintendent of Post Offices,
Cuttack South Division,
At-P.K. Parija Marg,
P.O-Cuttack GPO,
Dist-Cuttack,
Odisha-753001.

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2. Director of accounts (Postal),
At-Mahanadi Vihar,
Po-Naya Bazar,
Cuttack-753004.

..... Respondents

Advocate(s) - Mr.S.Barik

O R D E R

A.K.PATNAIK, MEMBER (J)

Heard Mr. P. K. Padhi, Learned Counsel for the Applicant and Mr. S. Barik, Learned CGSC appearing for the respondents.

2. The applicant Sri Prahlad Behera, a retired employee of the Postal Department, has filed this original application seeking directions to the respondents to release leave salary, CGEGIS and Arrear DA beyond 103% with interest @ 18% per annum.

3. The case of the applicant in nut shell is that while he was working SPM of Tyndakura Sub-Post Office he retired from service on superannuation with effect from 30/04/2001. Just before his retirement on 26/04/2001 respondent no.3 issued charge sheet which

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was challenged in O.A.278/2002 and this Tribunal quashed the charge sheet. The said order of this Tribunal has been challenged by the respondents before the Hon'ble High Court of Odisha which is still pending for consideration. Meantime the applicant represented to the Chief Post Master General, Odisha Circle Bhubaneswar/respondent no.2 for release of his with hel retirement dues viz. leave salary, CGEGIS and Arrear DA, who in turn vide letter dated 19/11/2012 at Annexure A/3 forwarded the same to the Superintendent of Post Offices Cuttack South Division Cuttack/respondent no.3 for disposal at his end as per rules. In this OA it is alleged by the applicant that the respondent.3 has neither released his entitled legitimate withheld dues nor has he given any reply in response to the representation which was duly forwarded in letter at Annexure A/3 till date. Further case of the applicant is at Annexure A/3 till date. Further case of the applicant is at Annexure A/3 till date.

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the fag end of his life being 72 years old and therefore he is likely to be deprived of enjoying his dues if it is not paid at the earliest.

4. Mr. Barik, Learned Additional CGSC submitted that right now he has no instructions about the steps taken in pursuance of the letter at Annexure-A/3.

5. The above being the situation since the steps taken after the order of the respondent 2 at Annexure-A/2 by the Respondent No. 3 is not forthcoming, I see no reason to keep this matter pending. Hence as agreed to by Sri P. K. Padhi Learned Counsel for the applicant without expressing any opinion on the merit of the matter this OA is disposed of with direction to the respondent No.3 to release the dues to which the applicant is entitled to as per rules if not already released within a period of 60 days hence. If it is the opinion of Respondent No.3 that the applicant is not entitled to the

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dues as per rule, the same may be intimated to the applicant in a reasoned order within the said period.

There shall be no order as to cost.

6. Send copy of this order along with the paper book to the respondent.³ at the cost of applicant for which the Learned Counsel for the applicant to furnish the required postal requisite in the registry by 22/03/2013.

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(A. K. Patnaik)
Member (Judicial)