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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. NO. 860 OF 2013

Cuttack, this the 13th day of December, 2013

CORAM

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

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SK. Wajid Ali aged about 67 years,
aged about 67 years, S/o. late Yusuf Ali,
resident of Village- Alkund, P.O.-Alkund Nuagaon,
Via-Pritipur, PS-Binjharpur, Dist-Jajpur, Odisha.

.....Applicant

Advocate(s).... M/s. K.C. Kanungo, Chitr Padhi

VERSUS

Union of India represented through

1. The Secretary, Communication-cum-D.G. Posts,
Dak Bhawan, New Delhi-1.
2. Chief Post Master General,
Orissa Circle, Bhubaneswar-751001,
Dist-Khurda, Odisha.
3. Director of Postal Service,
Office of Chief Post Master General,
Orissa Circle, Bhubaneswar-751001,
Dist-Khurda, Odisha.
4. The Superintendent of Post Offices,
Cuttack North Division, At/Po/Dist-Cuttack.
Odisha.

..... Respondents

Advocate(s)..... Mr.B.K. Mohapatra,

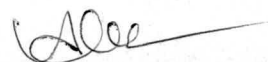


ORDER (Oral)**A.K. PATNAIK, MEMBER (JUDL.)**

It is the case of the Applicant that while he was working as EDDA/GDSMD of Alkund Nuagaon Branch Post Office in account with Pritipur Sub Post Office under Jajpur Head Post Office, he retired from service on 07.05.2011. After his retirement, he is entitled to a lump sum amount towards ex gratia gratuity at the rate of half month's basic allowance as drawn by him immediately before the retirement from service for each completed years of service subject to maximum of Rs.60, 000/- or 16 and half months' basic allowance last drawn whichever is less and severance allowance at the rate of Rs.1500/- for every completed year of service subject to maximum of Rs.60, 000/- which has not been paid to him till date.

2. Copy of this OA has been served on Mr. B.K.Mohapatra, Learned Additional CGSC for the Union of India who has submitted that the applicant was inadvertently retained four years beyond his actual date of retirement. In this context by drawing my attention to the letter dated 10.05.2012 and letter dated 11th November, 2013 it has been contended by him that necessary Post Facto approval for the over stay period of the applicant has been sought from the competent authority and after receipt of orders from the Headquarters steps would be taken to release the benefits to the extent the applicant is entitled to.

3. On the other hand, Mr.K.C.Kanungo, Learned Counsel for the Applicant submitted that even excluding the four years, the applicant is entitled to maximum amount in lump sum towards the ex gratia gratuity and severance allowance and as such approval/exclusion/inclusion of the said four years has nothing to do with regard to payment of entitled dues to the

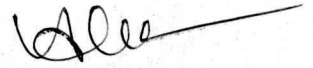


applicant. It has also been submitted by him that for retention of four years beyond the actual date of retirement, the applicant is no way responsible. But delay in payment has put the applicant and his family members' into immense financial difficulty/hardship to sustain their livelihood in absence any provision for payment of pension after superannuation from GDS post.

4. I have considered the rival submissions of the parties and perused the records. It is a matter of concern that a retired GDS employee having no other source of livelihood is approaching this Tribunal for release of a lump sum amount which ought to have been paid to him as per rules towards ex gratia gratuity and severance amount but has not been paid even after passage of more than two years of his retirement without any disciplinary/criminal/vigilance case pending against him. His retention beyond four years of his actual date of retirement cannot be accepted to be a valid ground to withhold his entitled dues more so when the fault is not/cannot be attributable to him. It is also shocking to note that though the applicant retired from service on 07.05.2011 the local administration sought ex post facto approval so as to release the dues only on 11th November, 2013. This is a fit case where the prayer of the applicant should have been allowed with exemplary costs. But considering submission of Mr. Mohapatra that decision would be taken on the above aspects within a short time, this OA is disposed of with direction to the Respondent No.1 to communicate a decision on the letter dated 11th November, 2013 within a period of thirty days from the date of receipt of copy of this order on which receipt of which Respondent Nos.2 and 3 shall release the dues in favour of the applicant within a period of fifteen days. There shall be no order as to costs.



5. As prayed for by Mr.K.C.Kanungo, Learned Counsel for the Applicant copy of this order be sent to all the Respondents by speed post for compliance at his costs for which he undertakes to furnish the postal requisite within two days hence.


(A.K.Patnaik)
Member (Judicial)