

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A.No.260/00488/14

Cuttack this the 18th day of July, 2014

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

Padma Charan Bal
Aged about 64 years
S/o. late Baishnab Charan Bal
Retired Sub Post Master
At present residing at – Mandua
PO-Mandua, Via-Naranpur
Dist-Keonjhar

...Applicant

By the Advocate(s)-Mr.R.Nayak

-VERSUS-

Union of India represented through

1. The Secretary cum Director General of Posts
Department of Posts,
Dak Bhawan,
New Delhi-110 001
2. The Director of Accounts
Department of Posts (Postal)
Cuttack-753 004
3. The Superintendent of Post Offices
Keonjhar Division,
Keonjhar
Dist-Keonjhar
PIN-758 001

...Respondents

By the Advocate(s) Mr.U.B.Mohapatra

ORDER(Oral)

R.C.MISRA, MEMBER(A)

Heard Shri R.Nayak, learned counsel for the applicant and Shri U.B.Mohapatra, learned SCGSC for the Respondents and perused the records.



9

2. Applicant in this O.A. is a retired employee of the Department of Posts who retired from service with effect from 30.4.2010. His grievance is that although he was in receipt of pay Rs.17,110/- at the time of his retirement and as per Pension Rules his pension should have been fixed @ Rs.8555/- per month being 50% of last pay drawn, but, he is being ^{given} provisional pension @ Rs.7605/- which is at the reduced rate. Not only that, a recovery of an amount of Rs.72,514/- towards excess pay drawn has also been ordered and effected. Seeking the reasons of such recovery and reduced rate of provisional pension, applicant had made an application under the R.T.I.Act, 2005, for supply of relevant information. It was informed to him on 24.9.2013 that the reduction is on account of cancellation of 2nd MACP. Thereafter, the applicant submitted an application dated 2.11.2013 (Annexure-10) to Superintendent of Post Offices, Keonjhar Division (Res.No.3) and having received no response, he has approached this Tribunal in the present O.A.

3. It has been submitted by the learned counsel for the applicant that reduction of pension and recovery after the retirement is not in conformity with the law and therefore, the Respondents should be directed to sanction pension at the admissible rate and also release the amount already recovered in favour of the applicant. His other limb of argument is that the principles of natural justice have also not been followed as the applicant was never given any notice about the proposed reduction of pension and consequential recovery.

Praveen

4. I have considered the submissions made by the learned counsel for both the sides. Prima facie, I am of the view that applicant had a right to be informed about the action taken by the Respondents, particularly, when it pertains to the sanction of pension, which ensures right to livelihood of a retirement Government servant. Another aspect which has struck me in this case is that when a representation was made by the applicant/a retired officer on 2.11.2013, it is not understood why the Superintendent of Post Offices, Keonjhar Division did not look into the this grievance after the passage of such a long time, if at all such a representation had been received by him. Therefore, I am of the opinion that first of all, the Respondents must look into the specific allegations of the applicant as contained in his representation and dispose of this matter according to rules in a detailed and speaking order, under intimation to the applicant within a period of three months from the date of receipt of this order. Respondents also should show expedition in disposal of this representation since it pertains to the case of a retired officer, whose provisional pension has been reduced and excess amount paid has already been recovered without he being noticed to have his say on the said adverse action.

Ordered accordingly.

5. With this observation and direction, this O.A. is disposed of at the stage of admission .

6. As agreed to by learned counsel for both the sides, copy of this order along with paper book be sent to Respondent No.2 and3 at the



cost of the applicant for which Shri Nayak shall deposit the postal requisites by 21.7.2014.

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



(R.C.MISRA)
MEMBER(A)

BKS

