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R.C.Murmu-Vrs-UOI&Ors
Admission S.No.5
OA No.260/00541/2014.
Order dated 10th July, 2014.

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

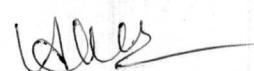
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Heard Mr.T.Rath, Learned Counsel for the Applicant
and Mr.B.K.Mohapatra, Learned Additional Central
Government Standing Counsel appearing for the Respondents.

2. The Applicant is aged about 69 years. His grievance is that he was initially appointed as EDDA/GDSMD under the Chaksuliapada EDBO in the Mayurbhanj Division on 01.07.1966. He was appointed/promoted as a Group D employee of the Postal Department and while continuing as such, on attaining the age of superannuation, retired from service with effect from 31.3.2005. There is no provision for payment of pension to GDS/EDA employees but as per the Rules as a Group D employee of the Department, after retirement he is entitled to pension. But for the reason of shortfall of qualifying period of service of ten years, he has been debarred from getting minimum pension. It has been stated that sanction of pension by taking into the shortfall service from the

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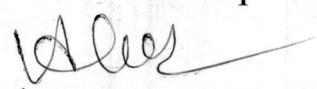
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ED employment came up for judicial scrutiny before this Tribunal in OA No. 310 of 2010 filed by Shri Gouranga Ch Sahoo one of the similarly situated retired employee like that of the applicant and this Tribunal vide order dated 21.3.2011 directed the Respondents to sanction the minimum pension by taking into consideration the shortfall service from his ED employment. The said order of this Tribunal was challenged by the Respondents before the Hon'ble High Court of Orissa in WP (C) No. 11665 of 2011 which was dismissed on 06.12.2011. Thereafter, the Respondents filed Special Leave to Appeal (Civil)/2012 (CC 14722/2012) which was also dismissed on 03.09.2012. It has been stated that though the decision of this Tribunal in OA No. 310 of 2010 dated 21.3.2011 upheld by the Hon'ble High Court of Orissa in WP (C) No. 11665 of 2011 dated 06.12.2011 and Hon'ble Apex Court in Special Leave to Appeal (Civil)/2012 (CC 14722/2012) became judgment in Rem, till date no heed has been paid to his representation dated 10.03.2014 which he submitted to Respondent No.3 praying for sanction of the minimum pension and, therefore, the



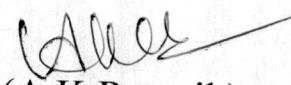
applicant is continuing in much financial difficulty in absence of any means of maintaining his livelihood.

3. Mr. Mohapatra submitted that he has no immediate instruction with regard to submission of representation and if so, the result thereof. This being a matter of pension which has nexus with his livelihood, as enshrined in Article 21 of the Constitution, the applicant is aged about 69 years and continuing with much financial difficulties after his retirement from service on 31.3.2005 due to nonpayment of pension, I do not see any justification to sit over the matter by inviting counter from the Respondents; especially when it appears that the present case is covered by the earlier order of this Tribunal which was upheld by the Hon'ble Supreme Court, I dispose of this OA with direction to the Respondent No.3 to consider the representation of the applicant keeping in mind the order of this Tribunal in the case of Gouranga Ch. Sahoo (supra) and communicate the decision thereon to the applicant within a period of ninety days from the date of receipt of copy of this order. In the event it is decided to pay the minimum pension to the applicant then the same be paid to him within a period of



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sixty days from the date of the said order. There shall be no order as to costs. As prayed for by the learned counsel for both sides, copy of this order along with OA be sent to Respondent No.3 at the cost of the applicant, for which learned counsel for the applicant undertakes to furnish the postal requisite within seven days hence.


(A.K. Patnaik)
Member (Judicial)