

**CENTRAL ADMINISTRATIVE TRIBUNAL  
JODHPUR BENCH; JODHPUR**

**ORIGINAL APPLICATION NO. 80/2010**

**Date of Order: 16.05.2011**

**CORAM:**

**HON'BLE MR. JUSTICE S.M.M. ALAM, JUDICIAL MEMBER  
HON'BLE MR. SUDHIR KUMAR, ADMINISTRATIVE MEMBER**

Vishnu Kant Arya S/o Shri Ram Chander Singh, aged about 65 years, R/o 7/195, Rajasthan Housing Board, Hanumangarh Jn.-335512, last employed on the post of Sub-Post Master, Industrial Area, Hanumangarh Jn. (Raj.).

...Applicant.

Mr. J.K. Mishra, counsel for the applicant.

**Versus**

1. Union of India through the Secretary to the Government of India, Ministry of Communication & Info Technology, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi.
2. The Chairman, Postal Service Board, Dak Bhawan, Sansad Marg, New Delhi - 110011.
3. Chief Postmaster General, Rajasthan Circle, Jaipur.

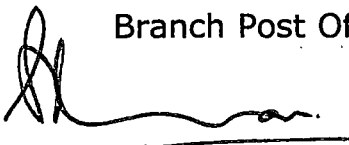
...Respondents.

Mr. M.S. Godara, proxy counsel for  
Mr. Vinit Mathur, counsel for respondents.

**ORDER**

**( Per Sudhir Kumar, Administrative Member )**

The applicant of this O.A. is a pensioner, and is aggrieved by the fact that Rule 87 of Financial Hand Book Vol.II of the respondent-Postal department prescribes that service pensions shall be paid at any Head or Sub Post Office in India, or at any Branch Post Office, which has been duly authorized in this behalf





by the Director General of Post. The prayers of the applicant are as follows:

"8(i) That impugned Rule 87 of Financial Hand Book (Annexure A/1) and order dated 31.03.2008 (Annexure A/2), may be declared illegal and the same may be quashed.

OR IN THE ALTERNATIVE

The said rule 87 may be directed to modify so as to allow the disbursement through nationalized banks also.

8(ii) The respondents may be directed to allow the applicant to draw his pension through any of the Nationalized Banks as per the instructions issued by the Government of India.

8(iii). That any other direction, or orders may be passed in favour of the applicant, which may be deemed just and proper under the facts and circumstances of this case in the interest of justice.

8(iv). That the costs of this application may be awarded."

2. Heard. The applicant has also brought on record the Annexure A/4 G.I., ME, O.M. No. CPAO/ Tech./ Amendments/ Sch.Book/2005-06/69, dated 09.06.2005, through which the payment of pension of the civil pensioners of the Central Government has been allowed to be disbursed through authorized banks, and credit of pension to joint bank accounts operated by a pensioner with his/her spouse has been permitted/prescribed. He has also brought on record Annexure A/5, G.L., ME, (CGA), O.M. No. 1 (1)/2005/TA/476, dated 10.06.2005, through which salary payments to all Central Government employees have been ordered to be made either by Cheques drawn on banks, or by direct credit to their bank accounts. A reply on this ground was issued to the applicant on



14<sup>th</sup> December, 2006 (Annex. A/6) <sup>to</sup> clarify the position as ~~is~~ applicable in respect of all civil pensioners of Central Government retiring from Civil Ministries or Departments (other than Railway, P&T and Defence), but it was stated that the request of the applicant was being forwarded to the Department of Posts, <sup>which</sup> ~~was~~ was the competent authority for issuing necessary instructions in his case in this regard. He has further pointed out that it is not that the Department of Posts is not already using the nationalized banks for the purpose of disbursement of salary at least, and emphasized at Annexure A/7, through which, for the purposes of disbursement of salary, instructions have been issued on 26.11.2009 directing all serving employees of the Postal Department itself to open bank accounts, so that salary for the month of December, 2009, onwards can be disbursed through their bank accounts. The learned counsel for the applicant pressed these points vigorously.

3. However, in reply, the learned counsel for the respondents submitted that in view of the specific provisions of Rule 87 as cited by the applicant himself at Annexure A/1 of the O.A., the respondent-department was unable to disburse the pension through banks. He justified that in the case of payment of postal pension through the Banks, the Department of Posts will have to pay commission, while no commission is required to be paid in the case of payment of pension through Post Offices, and only in the cases of payment of pay and allowances, no commission is charged by the banks. It was further submitted

that in view of this ground alone, the Pension Rules in respect of payment of pension of postal employees were different than the rules applicable to other Central Government employees.

4. However, the learned counsel for the applicant submitted that the facilities provided by the Banks like issuance of debit cards and use of ATM for withdrawing money etc. even outside the normal banking hours, are available in the case of nationalized banks, but such facilities are not available in the case of Post Offices, which causes severe harassment to the retired postal govt. servants. It was further submitted that the instructions of the DoPT in regard to disbursement of pension through banks ought to have been automatically made applicable in the postal department also.

5. We see merit in the contentions of the applicant inasmuch as the facilities provided by the banks, which he would be able to avail of in the case of disbursement of pension through banks, not being available to him at this time, when his pension is being disbursed through the post office. However, he has not been able to show as to in what manner the Rule 87 of the Financial Hand Book, Vol.-II is illegal or arbitrary, which may be quashed, as prayed for by him.

6. Still it appears that the applicant is entitled to grant of the alternative prayer made by him in para 8 (i) as cited above, and the respondent nos. 1, 2, 3, and in particular respondent no. 1, are directed to consider making amendments to the Rule 87 of



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the Financial Hand Book, Vol.-II, in order to provide for the payment of pensions through the nationalized banks to not only the present applicant, but also all Postal Employees, like in the case of their salaries already being paid through Banks. However, till such a policy decision is taken by the respondents, the second prayer of the applicant at para 8 (ii) as cited above, for directions to be issued to the respondents immediately cannot be allowed, till the Rule 87 of the Financial Hand Book, Vol.-II in this regard is duly amended. Respondent No. 3 is directed to pursue the case for amendment of the above mentioned Rule 87 with the appropriate superior departmental authorities.

7. In the result, the Original Application is, thus, partly allowed, in view of the above observations and directions. There shall be no order as to costs.

*[Handwritten signature of Sudhir Kumar]*  
**(SUDHIR KUMAR)**  
**ADMINISTRATIVE MEMBER**

*[Handwritten signature of Justice S.M.M. Alam]*  
**(JUSTICE S.M.M. ALAM)**  
**JUDICIAL MEMBER**

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