

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

ORIGINAL APPLICATION No.543 of 2013

Wednesday, this the *19th* day of August, 2015

CORAM:

HON'BLE MR.U.SARATHCHANDRAN, JUDICIAL MEMBER

D.Sreelatha, w/o late R.P.Devakumar,
aged 40 years, Discharged Group D APS,
residing Karuveilil, Pada South,
Karunagappalli, Kollam District, Pin -690518 ... Applicant

(By Advocate Mr.V. Sajith Kumar)

versus

1. Union of India, represented by the
Secretary to the Government,
Department of Posts, Ministry of Communications,
Government of India, New Delhi -110 001.
2. The Chief Postmaster General, Kerala Circle,
Trivandrum -695 003.
3. The Superintendent of Post Office,
Kollam Postal Division, Kollam -691 001.
4. Senior Records Officer, Sene Dak Seve Abhilekh Karyalaya,
Army Postal Service Records, Pin -900 746. Respondents

[By Mr. N.Anil Kumar, Sr.PCGC(R)]

This Original Application having been heard on 14.08.2015, this Tribunal on

19.08.2015 delivered the following :

ORDER

BY HON'BLE MR.U.SARATHCHANDRAN, JUDICIAL MEMBER

Applicant is the widow of a GDS employee who was deputed as Group D to Army Postal Service (APS). He had served in the APS from 15.11.97 to 29.09.05. Thereafter he was discharged from APS in low medical category. On discharge he came back and joined as GDS and was waiting for regular placement in Group D. On his return from APS he worked as GDS only for 45 days and thereafter he died. Applicant had sent representations to the authorities for grant of family pension which was rejected by Annexure A/1. In this OA, applicant prays for releasing the terminal

benefits including monthly pension, gratuity and Provident Fund etc. due to her husband who died while in service.

2. Denying the contentions of the applicant, respondents state that the deceased Devakumar while working as GDS expressed his willingness to be deputed to service in the APS. Accordingly on being given technical promotion as Group D he joined APS. Thereafter the employee was discharged from APS. On his discharge, he was paid the terminal credit balance of Rs. 8891/-, maturity value of AGIF Rs. 36,385/- and productivity linked Bonus for the year 2005-06 Rs. 1464/-. After repatriation to the civil side he joined as GDSBPM Edakulangara on 27.11.2005 and thereafter he died. All admissible benefits were disbursed to the family and applicant was given appointment as GDSBPM with effect from 30.08.2006. Now, applicant, after the elapse of 7 years of the death of her husband has approached for grant of pensionary benefits. Respondents pray for rejecting the application.

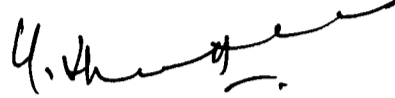
3. Heard Mr. V.Sajith Kumar and the Senior Central Govt.Counsel. During the pendency of this OA when the former ACGSC submitted that Gratuity of Rs. 14,875 was paid to the applicant, respondents were directed to file an additional reply statement incorporating such payment. Accordingly, an additional reply statement was filed by the respondents wherein it was explained that the aforesaid amount was paid as ex-gratia gratuity which is equivalent to :

$$\frac{\text{last drawn basic TRCA}}{2} \times \text{completed years of service} = \frac{2125}{2} \times 14 = \text{Rs. 14875.}$$

4. Nothing was pointed out by the counsel appearing on either side to the fact that the applicant being a widow of the deceased GDS employee is eligible for any amount more than what she has been paid as above. Learned counsel for the applicant also was not able to convince this Tribunal that the deceased had sufficient length of service in Group D to enable him to be considered for minimum pension either. After discharge from Army he joined as GDS. Learned counsel for the applicant pointed out that by virtue of Annexure A/2 communication relating to service pension to GDS employees on deputation to APS as Group D, the applicant's husband could have been posted as Group D on his discharge. But unfortunately he did not challenge his posting as GDS on return from APS.

5 Taking stock of the facts and circumstances of this case, this Tribunal is of the view that applicant has not proved her entitlement to any terminal benefit which is due to the deceased employee more than what has been received by her from the respondent department.

6 In the result, Original Application is dismissed. No order as to costs.



U.SARATHCHANDRAN
JUDICIAL MEMBER

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