

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.120/13

Tuesday this the 12th day of February 2013

C O R A M :

HON'BLE Dr.K.B.S.RAJAN, JUDICIAL MEMBER

V.Mundankutty,
S/o.Kunjukutty,
Rtd. Postman, Pullikkal,
Manjeri Postal Division, Kerala.
Residing at Krishna Divas, Kizhissery,
Kuzhimana P.O., Malapuram District.

...Applicant

(By Advocate Mr.V.Sajith Kumar)

V e r s u s

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 – 695 033.
3. The Superintendent of Post Office,
Manjeri Postal Division,
Malapuram District – 676 121.

...Respondents

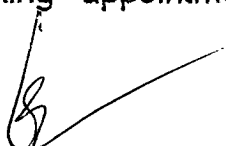
(By Advocate Mr.S.Jamal,ACGSC)

This application having been heard on 12th February 2013 this Tribunal on the same day delivered the following :-

ORDER

HON'BLE Dr.K.B.S.RAJAN, JUDICIAL MEMBER

The claim of the applicant is that he should be granted at least minimum pension by counting his service with effect from the date of occurrence of vacancy (2000-2001) rectifying the administrative delay in making appointment or in the alternative by granting weightage



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for service rendered as GDS for reckoning the same as qualifying service to the extent of short fall as Postman in view of certain judicial decisions vide Annexure A-3 to Annexure A-5. This action definitely involves relaxation.

2. Insofar as relaxation is concerned, it is exclusively within the jurisdiction of the Secretary, Department of Posts. The applicant had infact penned a representation vide Annexure A-6 dated 2.5.2012 addressed to the Secretary, Department of Posts. It appears that by mistake the Department of Posts has transmitted the matter to the Chief Postmaster General, Tamil Nadu Circle, Chennai. Counsel for the applicant submitted that the applicant comes within the administrative control of Chief Postmaster General, Kerala Circle and thus there is no purpose that could be served by addressing the letter to the Chief Postmaster General, Tamil Nadu Circle. To that extent Annexure A-7 is not in order. Counsel further submitted that even to Chief Postmaster General, Kerala Circle the Secretary cannot refer the matter for decision as the decision making authority in such cases where relaxation is sought is no other than Secretary, Department of Posts.

3. The submissions made by the counsel for the applicant has full substance. Rules provide for relaxation of qualifying service to make good the shortfall in service for pension purpose and the powers for such relaxation vest only with the highest authority, the Secretary, Department of Posts. As such, interest of justice would be met if the O.A is disposed of with a direction to the Secretary, Department of Posts, to consider the case

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of the applicant in accordance with law and communicate the decision to the applicant through Chief Postmaster General, Kerala Circle. Needless to mention that necessary input as to the facts of the case may have to be furnished by the Chief Postmaster General, Kerala Circle to the Secretary for arriving at a judicious decision. A copy of this order shall be directly sent by the Registry to respondents No.1&2. The decision of the Secretary, Department of Posts, may be arrived at within a period of three months and decision communicated immediately thereafter. No merit of the case has not been examined by the Tribunal and as such no expression is made in that behalf. The O.A is disposed of accordingly. No order as to costs.

(Dated this the 12th day of February 2013)



Dr.K.B.S.RAJAN
JUDICIAL MEMBER

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