

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH**

O.A.No.230/11

Monday this the 19<sup>th</sup> day of December 2011

**C O R A M :**

**HON'BLE Mr.JUSTICE P.R.RAMAN, JUDICIAL MEMBER**  
**HON'BLE Mr.K.GEORGE JOSEPH, ADMINISTRATIVE MEMBER**

1. G.Alexander,  
Mail Man, SRO, Alappuzha,  
Mammoottil Nerian Pallil,  
Kattachira, Pallickal P.O – 690 503.
2. K.J.Kuriakose,  
Mail Man, SRO Kottayam RMS,  
Trivandrum Division,  
Puthenparambil House,  
Kalald P.O., Nalkavala – 686 029.
3. K.P.Sivaprasad,  
Mail Man, SRO, Kottayam RMS,  
Trivandrum Division,  
Kannallumadam, Kanjaram P.O.,  
Kottayam – 686 030.
4. Babu Mathew,  
Mail Man, Kottayam RMS,  
Kayyalackakathu, Pariyaram P.O.,  
Kottayam – 686 021.
5. N.P.Thomas,  
Mail Man, SRO, Kottayam,  
Naduvilekara House,  
Arpookara West P.O, Kottayam – 686 008. ...Applicants

(By Advocate Mr.Siby J Monippally)

**V e r s u s**

1. Union of India represented by  
Chief Post Master General of Kerala,  
Kerala, Trivandrum.
2. Senior Superintendent,  
Railway Mail Service, Trivandrum. ...Respondents

(By Advocate Mr.Sunil Jacob Jose,SCGSC)

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This application having been heard on 19<sup>th</sup> December 2011 this Tribunal on the same day delivered the following :-

**ORDER**

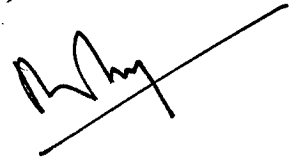
**HON'BLE Mr.JUSTICE P.R.RAMAN, JUDICIAL MEMBER**

When the case was taken up for hearing, neither the applicant nor his counsel was present. Names of the party called. Absent. The Original Application is dismissed in default.

(Dated this the 19<sup>th</sup> day of December 2011)



**K.GEORGE JOSEPH  
ADMINISTRATIVE MEMBER**



**JUSTICE P.R.RAMAN  
JUDICIAL MEMBER**

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**CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH**

**O.A. NO.230 OF 2011**

Friday, this the 13<sup>th</sup> day of January, 2012

**CORAM:**

**HON'BLE Mr.JUSTICE P.R.RAMAN, JUDICIAL MEMBER  
HON'BLE Mr. K.GEORGE JOSEPH, ADMINISTRATIVE MEMBER**

1. G.Alexander,  
Mail Man, SRO, Alappuzha,  
Mammoottil Nerian Pallil,  
Kattachira, Pallickal P.O – 690 503.
2. K.J.Kuriakose,  
Mail Man, SRO Kottayam RMS,  
Trivandrum Division,  
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5. N.P.Thomas,  
Mail Man, SRO, Kottayam,  
Naduvilekara House,  
Arpookara West P.O, Kottayam – 686 008 .... Applicants

(By Advocate Mr.Siby J Monippally)

versus

1. Union of India represented by  
Chief Post Master General of Kerala,  
Kerala, Trivandrum.
2. Senior Superintendent,  
Railway Mail Service, Trivandrum .... Respondents

(By Advocate Mr.Sunil Jacob Jose, SCGSC)

The application having been heard on 13.01.2012, the Tribunal on the same day delivered the following:



**ORDER****HON'BLE Mr.JUSTICE P.R.RAMAN, JUDICIAL MEMBER**

The applicants five in numbers are aggrieved by the action on the part of the respondents in recovering the severance amount for the period they worked as GDSMM. It is their case that they were working for several years without regularization. They were granted regularization based on a judicial pronouncement as Mailman in the year 2010 in the vacancies that arose from 2005 onwards. On being regularized, they were granted severance amount for the service rendered as GDSMM. Annexure A-1 is the copy of the order issued by the Senior Superintendent, Railway Mail Service in this regard. While so, the respondents issued an order stating that payments made to the applicants were irregular and ordered to recover the payment already made. The orders so issued are Annexure A-2 series.

2. It is contended that the order to recover the amount already paid for their service is against justice, equity and good conscience. The amount paid for the service rendered as GDSMM is not to be taken into account for any service benefits. Therefore the payment of lumpsum amount is perfectly valid and justified.

3. Respondents have filed reply and additional reply.

4. The issue that arose for consideration is whether the applicants are entitled for severance amount for the period they worked a GDSMM. This question is no longer res integra between the parties in view of para 4 of the reply statement which is as under :-



*" In the meanwhile it is submitted that the clarifications sought from the Ministry of Finance, Government of India was received by the Postal Directorate and conveyed to the 1<sup>st</sup> respondent vide letter dated 05.08.2011 whereby the eligibility for severance amount of the Gramin Dak Sevak was restricted to a period of 10 years and therefore the recovery was directed to stopped land action to refund the recovered amount has also been initiated. It is submitted that by virtue of the order dated 05.08.2011, the applicants have become eligible for the severance amount already paid to them. It is therefore submitted that the OA has become infructuous. It is also submitted that the applicants have been intimated about the order dated 05.08.2011."*

5. In the above circumstances, respondents are not to recover any amount as there is no lis pending for adjudication. In the meantime, if any amount is recovered the same shall be refunded to the applicants.

6. OA is disposed of as above. No costs.

Dated, the 13<sup>th</sup> January, 2012.



**K GEORGE JOSEPH**  
**ADMINISTRATIVE MEMBER**



**JUSTICE P.R.RAMAN**  
**JUDICIAL MEMBER**

VS