

Central Administrative Tribunal, Lucknow Bench, Lucknow

O.A. No. 412/2010

This the 22nd day of October, 2010

Hon'ble Sri Justice Alok Kumar Singh, Member (J)

Kripal Singh Yadav aged about 61 years son of late Sri Duraika Pd. r/o Village Janakpur, P.O. Rampur, Grant (Gola Gokran Nath) District Kheri retired Group D (Runner Kheri Tikunia Mail Line) District- Kheri.

Applicant

By Advocate: Sri R.S. Gupta

Versus

1. Union of India through the Secretary, Department of Post, New Delhi.
2. Superintendent of Post Offices, Kheri
3. SDI, Pallia, District- Kheri.

Respondents

By Advocate: Sri Pankaj Awasthi for Sri R. Mishra

ORDER (Dictated in Open Court)

By Hon'ble Sri Justice Alok Kumar Singh, Member (J)

Heard.

2. Perusal of record shows that representation dated 8.2.2010 was moved to the Superintendent of Post Offices, Kheri which was received there on 14th June, 2010, saying that after completing a period of 9 years, 9 months, 4 days in Group 'D' service, the applicant retired on 31.8.2009. Prior to that, he has served as GDS (ED) for more than 28 years. After superannuation, he was informed that there was a shortfall of 7 days to earn minimum pension. Therefore, the applicant made a request in this representation that the period of strike from 5.12.2000 to 17.12.2000 (12 days) may be treated as leave, though the short fall is only 7 days. The applicant also enclosed a judgment given by CAT, Madras Bench.

3. But, in this O.A., it is not indicated as to whether or not his representation has been decided or it is still pending. Learned counsel appearing for other side is also not aware about this.

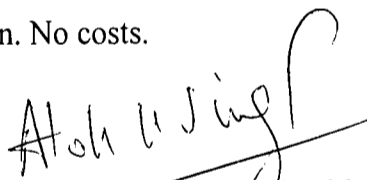
4. At the out set, it appears to be petty matter. The prayer made in the above representation (Annexure -4) which has been received by the department on 14 June,

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2010 also appears to be quite innocuous, but it would not be proper for this Tribunal to make any final observation/ comments on the merits of the case at this stage.

5. The counsel for the applicant says that as far as the question of alternative remedy is concerned, being a law abiding citizen, he is ready to make a detailed representation afresh before the department and the same may be directed to be disposed of expeditiously on humanitarian grounds in accordance with law/ relevant rules keeping in view humanitarian aspect also. The learned counsel for other side has no objection.

6. In view of the above, this O.A. is finally disposed of with an observation that the applicant may make a detailed representation afresh before the respondents in respect of treating the small period of short fall, (required for getting the minimum pension) as leave/ extra ordinarily/ leave without pay, and the same shall be decided within 45 days from the date of receipt of the representation in accordance with the relevant rules by the respondents by passing a detailed and well reasoned order. While deciding the representation the humanitarian aspect and also the fact that before working in Group 'D', he has also worked as GDS (ED) for a long period of about 28 years as claimed by him shall also be taken in to consideration. No costs.


(Justice Alok Kumar Singh)
Member (J)

HLS/-