

**Central Administrative Tribunal
Lucknow Bench Lucknow**

Original Application No.37/2008
This, the 3 day of October 2008

HON'BLE MR. M. KANTHAIAH, MEMBER (J)

Radha Raman aged about 73 years son of Shri Chandra Bali Misra, resident of Village & Post Bara District Unnao.

...Applicant.

By Advocate:- Shri R.S. Gupta.

Versus.

1. Union of India through the Secretary, Department of Posts, New Delhi.
2. Chief Postmaster General, U.P., Lucknow.
3. Postmaster General, Kanpur.
4. Superintendent of Post Offices KP (M), Kanpur.

... Respondents.

By Advocate:- Shri Deepak Shukla.

ORDER

BY MR. M. KANTHAIAH, MEMBER (J)

The applicant has filed the Original application with a prayer to issue direction to the respondents for settlement of all his retiral dues including ex-gratia payment of Rs. 48,000/- i.e. Rs. 30,000/- gratuity and Rs. 18,000/- severance allowance with interest thereon @ 18 % from 1.1.1998 till the date of payment on the following grounds.

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(I). The applicant after serving more than 34 years retired on 28.09.1997 on attaining the age of superannuation and as such he is entitled for all retiral dues as per extent rules.

(II). The respondents become bias and prejudice against the applicant for filing earlier case against them in O.A.No.464/1997 on the file of this Tribunal and thus, not settled his dues.

(III). Representation of the applicant is still pending without disposal.

2. The respondents have filed Counter Affidavit, stating that they have paid all the retiral benefits to the applicant as per rules and for the claim of severance allowance and ex-gratia gratuity, he is not at all entitled and thus, denied the claim of the applicant.

3. Heard both sides.

4. The point for consideration is whether the applicant is entitled for the relief as prayed for.

5. The admitted facts of the case are that the applicant, who joined on the post of EDBPM in the month of September, 1963 retired on 28.09.1997 after attaining the age of superannuation. Before his retirement, the applicant also filed O.A.No.464/1997 on the file of this Tribunal, in respect of his date of birth dispute but the same was dismissed on 22.12.2000. Annexure-2 is copy of the order in O.ANo.464/1997.

6. By way of this OA the applicant claimed for settlement of his retiral dues more particularly in respect of gratuity of Rs. 30,000/- and Rs. 18,000/- towards severance allowance with interest thereon from 01.01.1998.

7. The respondents have filed O.M. Dt. 17.12.1998 issued from the Ministry of Communication, Department of Posts (Ann.-CR-1) in respect



of entitlement of severance allowance and gratuity of ED Agents stating that the said OM is applicable from the date of its issuance i.e. Dt. 17.12.1998. By that time, the applicant was already retired and as such, he is not entitled for any benefits of severance allowance and ex-gratia gratuity payment as claimed by him.

8. Annexure-CA-2 Dt. 17.12.1998 OM is in respect of revision of allowances of ED Agents issued by the Ministry of Communication. As per this OM, in respect of ex-gratia gratuity for ED Agents, which is presently Rs.6000/- may be increased to Rs. 18,000/- with effect from the date of issuance of this order. Similarly in respect of severance allowance on retirement / death, a lump sum severance amount of Rs. 30,000/- only may be paid on retirement of an ED Agent at the age of 65 years or on the death of an ED Agent provided he/she has completed a minimum of 20 years of continuous service. This provision will be effective from the date of issue of these orders. From this OM, it is clear that enhanced ex-gratia gratuity from Rs. 6000/- to Rs. 18,000/- and also grant of Severance allowance for lump sum of Rs.30,000/- to and retired ED Agent will come into effect from the date of issuance of this order, which is Dt. 17.12.1998. Admittedly, the applicant retired on 28.09.1997 which is before issuance of O.M. and as such, the applicant is not entitled to get any benefits of this O.M. 17.12.1998 (Ann.-CA-2).

9. It is also not the case of the applicant that the admissible ex-gratia gratuity was not paid to him as per rules on the date of his retirement. The respondents have filed Counter Affidavit, stating that the retiral benefits, which the applicant was entitled as on the date of his retirement, has been paid and no dues and there, which the

applicant did not deny the same by filing any Rejoinder Affidavit also shows that he has received all his retiral benefits as per rules.

10. In view of the above circumstances, there are no merits in the claim of the applicant for ex-gratia gratuity and also severance allowance as claimed by him in the OA and as such, the same is liable for dismissal.

In the result, O.A. is dismissed. No costs.


(M. KANTHAIAH)
MEMBER (J)

03-10-2008

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