

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH**

**Original Application No.123/2008
This the 11th day of April 2008**

HON'BLE MR. M. KANTHAIAH, MEMBER JUDICIAL.

Ram Bhushan Singh, aged about 63 years, son of Sri Bhagwati Singh, Resident of Village and Post Atawan (Parsadeypur), District Raebareli, retired Assistant Postal from Sub Post Office, Salone, District Raebareli.

...Applicant.

By Advocate: Shri R.K. Singh.

Versus.

1. The Union of India, through its Secretary, Ministry of Postal Department, New Delhi.
2. Director, Postal Services, U.P., Hazratganj, Lucknow.
3. Superintendent, Postal Services, Distt. Raebareli.
4. Sri Ashok Srivastava, Asstt. S.P.O. (South Sub Division), Head Post Office, District Raebareli.

... Respondents.

By Advocate: Shri K.K. Shukia.

ORDER (Oral)

BY MR. M. KANTHAIAH, MEMBER JUDICIAL.

1. Heard Shri R.K. Singh, the learned counsel for the applicant and Shri K.K. Shukia, the learned counsel for respondents.
2. The applicant has filed this O.A. for issuance of direction to the respondents to pay his retiral benefits i.e. gratuity, leave encashment, pension commutation etc. with interest thereon on the ground that he retired on 30.04.2007 after attaining the age of superannuation

thereafter, the respondents have not released his retiral benefits. He got issued a legal notice Annex-A-2 Dt. 12.03.2008, claiming all his retiral benefits but there is no response from the respondents as such, he constrained to file this O.A.

3. The respondents have opposed the claim of the applicant stating that respondents have initiated a disciplinary enquiry against the applicant for embezzlement of certain amounts and as such, the applicant is not entitled for the claim as made in this OA.

4. Heard both sides.

5. Admittedly, the applicant retired on 30.04.2007 i.e. more than one year and there was no payment of retiral benefits for which, he is lawfully entitled. The applicant got issued a legal notice Annex-A-2 Dt. 12.03.2008. If there are any enquiry proceedings either before retirement or after retirement, it is the duty of the respondent authorities to inform the applicant in respect of his non-entitlement of retired benefits and also details of such amounts. But without giving any such information, it is not open to the respondent authorities to stop all the retiral benefits of the applicant for which, the applicant is lawfully entitled. It is not proper to give any directions to the respondent authorities for payment of retiral benefits as claimed by the applicant in view of the objections taken by the respondents.

6. Under the above circumstances and for fair and just disposal of the proceedings and also to avoid multiplicity of proceedings, the Respondent No.2 is directed to consider and disposed of the representation of the applicant covered under Annex-2 Dt.12.03.2008 and also by treating this OA as his supplementary representation and pass a reasoned order on merits as per the rules and regulations



within a period of three months from the date of the receipt of the certified copy of this order. The applicant is also directed to enclose the copy of his representation Dt.12.03.2008 covered under Annex-A-2 and copy of OA along with the copy of this order. No order as to costs.


(M. KANTHAIAH)
MEMBER (J)

11-04-2008

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