

**Central Administrative Tribunal, Lucknow Bench, Lucknow**

**ORIGINAL APPLICATION No.215/2008**

This the 08<sup>th</sup> day of January, 2010.

**Hon'ble Ms. Sadhna Srivastava, Member (J)**

Kamla Prasad aged about 60 years, son of late Awadh Behari Upadhayay, resident of Village Harikapur, Post Raniganj, District Pratapgarh.

1/1. Smt. Sheela Devi aged about 59 years W/o Late Kamla Prasad Upadhayay, R/o Vill. Harikapur, Post Raniganj, Distt. Pratapgarh.

*(Substituted vide order dt.20.11.2009).*

.....Applicant

By Advocate: Sri P.K. Shakya holding brief for Shri R.K. Upadhayay.

**Versus**

1. Union of India through the Senior Superintendent of Post Offices, Pratapgarh/Senior Superintendent of Post Offices, Pratapgarh.
2. Senior Postmaster, Head Pos Office, Pratapgarh.

.....Respondents

By Advocate: Shri K.K. Shukla holding brief for Shri S.N. Tilhari.

**ORDER (Oral)**

**By Ms. Sadhna Srivastava, Member-J**

The applicant is aggrieved by order dated 19.03.2008 passed by Respondent No.2 i.e. Senior Postmaster, Head Post Office, Pratapgarh whereby the payment of gratuity and Commutation of Pension payable to the husband of the applicant was withheld on account of pendency of a criminal case.

2. The instant OA was filed by Kamla Prasad, who died on 15.10.2009 during the pendency of the OA. Thereafter, his wife has been substituted.



3. The facts in brief are that Kamla Prasad had retired on 31.1.2008 on attaining the age of superannuation. He was involved in a criminal case. Therefore, the gratuity, Commutation of Pension was withheld till the finalization of criminal case. The criminal case is still pending. No departmental proceeding was ever initiated against Kamla Prasad. The respondents have stated in the Counter Affidavit that since the criminal case was pending for decision therefore, the above said retiral benefits were withheld. Since, Kamla Prasad has died therefore, I am of the view that in view of the above facts the respondents shall consider the matter regarding payment of above said retiral benefits. Accordingly, the competent authority is directed to consider the claim of the applicant within 2 months hereof and incase, she is found entitled for the above retiral benefits the same should be paid to her within one month thereof.

4. With the above directions the OA is disposed of without any order as to costs.

  
**(Ms. Sadhna Srivastava)**  
**Member-J**

Amit/-