

**CENTRAL ADMINISTRATIVE TRIBUNAL,  
LUCKNOW BENCH,  
LUCKNOW.**

**Original Application No. 341 of 2010**

Date of Decision 1st March, 2012

**Hon'ble Mr. Navneet Kumar, Member-J**

Rameshwar Prasad Yadav, Aged about 64 years, S/o Sri Nanhlai. R/o Nai Abadi, Shah Kheda Road, Arjunganj, Lucknow.

.....Applicant

By Advocate : Sri D. Awasthi

Versus.

1. Union of India through the Secretary, Department of Posts, Dak Bhawan, New Delhi.
2. CPMG, U.P. Circle, Lucknow.
3. Director of Postal Services, Lucknow.
4. Sr. Supdt. of Post offices, Lucknow Division, Lucknow.

..... Respondents.

By Advocate : Sri Deepak Shukla for Sri Avaneesh Pal

**ORDER (Oral)**

The applicant has filed this O.A. under Section 19 of Administrative Tribunals Act, 1985 with the following main relief(s):-

*“(i) quash the impugned order dated 12.5.2010 passed by the Opposite party no.4 which is contained as Annexure no.1 to this Original Application*

*(ii) direct the Opposite parties to release the payment of arrears for the period 1.1.2006 to 31.12.2006 alongwith 18% interest from 1.1.2006 to the date of its actual payment”.*

2. The facts of the case are that the applicant is aggrieved by inaction of the respondents for not releasing the payment of certain retiral benefits. The applicant, who joined as Postal Assistant (Clerk) in the

year 1966 in the Department of Posts, was given promotion subsequently and finally he superannuated on 31.12.2006. It is contended by the applicant that as per the recommendations of 6<sup>th</sup> Central Pay Commission certain other similarly situated employees had already received the payment towards arrears, but the same has not been given to the applicant for which he made several representations before the authorities concerned, but no heed was paid. It is also contended that the applicant had earlier filed O.A. no. 119 of 2010 before this Tribunal which was disposed of by means of judgment and order dated 9<sup>th</sup> April, 2010 with a direction to respondent no.4 to consider and decide the pending representation of the applicant dated 28.1.2010 within a period of one months from the date a certified copy of the order was produced before him. In compliance of the order of this Tribunal, the respondents disposed of the representation of the applicant by means of order dated 12.5.2010 by stating therein that due to the applicant inaction, a huge amount to the tune of Rs. 4,59,353/- has been caused to the department and as such departmental proceedings were initiated against him and the same are pending.

3. On behalf of the respondents, Short Counter Reply has been filed stating therein that due to misappropriation of Government money to the tune of Rs. 4,59,353/- the matter is under consideration against number of officials/officers under Rule 16 of CCS (CCA) Rules. The respondents further contended that the case of the applicant has already been referred to higher authorities for consideration of

payment in terms of recommendations of 6<sup>th</sup> Central Pay Commission.

4. The Rejoinder Reply has also been filed by the applicant by refuting the averments made in the <sup>w</sup>~~O.A.~~CA. while reiterating the averments made in the O.A.

5. Heard the learned counsel for the parties and perused the material available on record.

6. It is an admitted fact that the applicant who was in service and worked in the Postal Department and has retired from service on 31.12.2006 on attaining the age of superannuation. It is also admitted fact that the applicant is entitled whatever benefits in terms of recommendations of 6<sup>th</sup> Central Pay Commission. Learned counsel for the respondents categorically submitted that the case of the applicant has been referred to higher authorities for consideration, but till date no decision has been taken sofar.

7. In view of the aforesaid, without entering into the merits of the case, the O.A. is disposed of with a direction to the respondents to take a decision with regard to claim of the applicant for payment of arrears <sup>w</sup><sub>in terms</sub> of 6<sup>th</sup> Central Pay Commission and whatever amount is admissible due to him, the same may be paid to the applicant in terms of recommendations of 6<sup>th</sup> Central Pay Commission. The above exercise shall be completed within a period of six months from the date of receipt of a certified copy of this order is produced before them. No costs.

  
(Navneet Kumar)  
Member-J