

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
Bangalore-560038.

Dated: 19 OCT 1993

APPLICATION NO(S) 691 of 1993.

APPLICANTS: G.L.Subbaraja Urs

RESPONDENTS: Senior Supdt.of Post
Offices, Mysore and Other.

TO.

1. **Ass.** Renuka Rai, Advocate,
No.5/8, First Floor,
Platform Road,
Seshadripuram, Bangalore-20.
2. The Post Master General,
Karnataka Circle,
Bangalore-560 001.
3. Sri.M.s.Padmarajaiah,
Central Govt, Stng.Counsel,
High Court Building,
Bangalore-1.
4. The Senior Superintendent of Post Offices,
Mysore Division, Mysore-570 020.

Subject:- Forwarding of copies of the Order passed by
the Central Administrative Tribunal, Bangalore.

Please find enclosed herewith a copy of the
ORDER/STAY/INTERIM ORDER, passed by this Tribunal in the
above said application(s) on 07-10-1993.

[Signature]
DEPUTY REGISTRAR
JUDICIAL BRANCHES.

Issued

O/C

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH : BANGALORE

DATED THIS THE SEVENTH DAY OF OCTOBER 1993

Present:

Hon'ble Mr. Justice P.K. Shyamsundar ... Vice-Chairman

Hon'ble Mr. V. Ramakrishnan ... Member [A]

APPLICATION NO.691/93

G.L. Subbaraja Urs,
Retired Postman,
Mandi Mohalla Post Office,
Mysore-21.

... Applicant

[Miss. Renuka Rai ... Advocate]

v.

1. Senior Supdt. of Post Office,
Department of Post, India,
Mysore West Sub-Division,
Mysore-570 009.

2. The Secretary,
Union of India,
Department of Posts,
New Delhi.

... Respondents

[Shri M.S. Padmarajaiah ... Advocate]

This application having come up for hearing before this
Tribunal today, Hon'ble Vice-Chairman, made the following:

ORDER

1. Heard. Admit. Now that we have heard this application
and propose to dispose it off at this stage itself. We regret
to note that the applicant has been driven to this Tribunal com-
plaining of non-receipt of pension after retirement, a relief
to which he is legally and justly entitled. But then it neces-
sarily follows that some formalities have to be gone into and
that is exactly the snag herein. It appears he had to mandatorily
produce two photographs of himself and his wife taken together



being a mandatory formality. The respondent Government who is on record have filed a statement maintaining that despite being called upon to produce such a photograph the applicant had never complied with that requirement so far. It is said that is the reason why pension was held up. It is therefore, urged that Government is not in any way responsible for non-receipt of pension by the applicant. There is also the question of DCRG amount and with reference to the same, the case of the Government is that the man being a postman had failed to account for about Rs.102 a money order amount that had to be transmitted to a payee. It is said that the applicant had not produced any proof of having paid the money to the payee and in that behalf pleaded a story that he was robbed by a police constable. We are now told that a complaint had been lodged with the police who after investigation informed the Magistrate that the case was undetectable and it is on that note the criminal case ended. We are now told that Government will release the pension amount the moment the applicant complies with the requirement of a production of photograph of himself and his wife and in regard to the DCRG amount they have to necessarily withhold Rs.102 not accounted for by the retiree and the said amount will be disbursed after it is accounted properly by the applicant. We have heard this application more than once and we are told by the applicant and his counsel who persisted in asserting that the photograph had been produced and that Government was simply dragging its feet for no reason. We are not quite sure whether that indeed is the truth. At any rate we asked the applicant to produce one more set of photographs so that we can hand it over to the learned counsel

for the respondents with a direction to see that at least thereafter, the pension amount is released to the applicant. For that purpose we posted this case to this day and we are now told by the learned counsel for the applicant that the applicant has not turned up and we may dispose off this application with a direction to the applicant to produce the required photograph before the departmental authorities within a stipulated period and he would comply with that requirement. So far as the question of DCRG payment is concerned counsel says that in a way the applicant did account for it in that he told the department that a police constable had robbed him of the amount and a complaint had been lodged.

2. But we cannot go into that aspect of the matter. It transpires that the criminal complaint has met an abortive end with the police telling the Magistrate that the complaint was investigated and proved to be not quite true. If that is the result we cannot help the applicant. He could go before court and undertake to establish the same. Be that as it may the applicant may take the option of undertaking to establish the case before the Magistrate or otherwise account for the amount of Rs.102 in some other way but subject to the same the DCRG amount will be disbursed. We are sure that if the applicant produces some acceptable explanation as to how the amount of Rs.102 stood disposed off the department will ensure payment of that sum also.

3. In the result we direct the applicant to produce a joint photograph of himself and his wife preferably more than one copy to the departmental authorities and he should do so within two weeks time and thereupon the department will take steps to



ensure disbursal of the pension amount. Regarding the disbursal of the DCRG amount the department will for the present pay the amount less Rs.102 in relation to which they claim failure by the applicant to account for. With these observations this application stands disposed off finally. No costs.

Sd-

MEMBER [A]

Sd-

VICE-CHAIRMAN

bsv

TRUE COPY

[Signature]
SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

19/10/93