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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A. 1203/95.

Dt. of Decision : 13-08-96.

M. Krupamma

.. Applicant.

Vs

1. The Sr. Superintendent,
RMS, HPO Building,
Vijayawada-520 001.
2. The Director of Accounts (Postal),
Hyderabad-500 001.
3. The Chief Postmaster General
(representing Union of India)
Hyderabad.

.. Respondents.

Counsel for the Applicant : Mr. C. Suryanarayana

Counsel for the Respondents : Mr. K. Ramulu, Addl. CGSC.

CORAM:

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

ORDER

Order (Order: (For Hon'ble Shri R. Ramesh Babu, Member (Admin).

Heard Mr. C. S. Srinivasan, learned counsel for the applicant and Mrs. Srinivasan proxy counsel for Mrs. K. Srinivasan, learned counsel for the respondents.

2. The applicant in this OA is the widow of late Mr. M. Dasu. The husband of the applicant while working as a Mailman at HRC, BMS, Vijayawada orally informed the HRC that he was sick and he would leave from 7-8-88. It is stated that no medical certificate was submitted and he also did not join duty. It is alleged that he remained absent continuously from 7-8-88 from duty, thus violating the provisions of Rule 63 and 64 of P&T Manual Volume-III. Hence he was proceeded against under Rule-14 of CCS(COA) Rules 1955. That proceedings ended with the compulsory retirement of the ex-employee who is no more now in the public interest in terms of memo No. B.2/31/II dated 13-10-89 (Annexure-10).

3. The husband of the applicant joined as Mailman on 17-8-79. At the time of his compulsory retirement it is stated that he had put in 7 years 10 months 03 days of service. Hence his case for payment of pension was not accepted. The applicant filed representation for payment of family pension to her which was rejected by the impugned order No. J 30/MD/MK dated 1-1-92 (Annexure-14). It is also stated in the impugned order that the gratuity to which her late husband Mr. M. Dasu was entitled had been disbursed to him.

4. This OA is filed for setting aside the impugned order No. J 30/MD/MK dated 1-1-92 (Annexure-14) on the ground that the xx response authority have no role to deprive the widow of the benefit of the family pension and for a consequential benefit of grant of family pension.

ORDER

Oral Order (Per Hon'ble Shri R.Rangarajan, Member (Admn.))

Heard Mr.C.Suryanarayana, learned counsel for the applicant and Miss Shyama Proxy counsel for the Mr.K.Ramulu, learned counsel for the respondents.

2. The applicant in this OA is the widow of late Mr.M.Dasu. The husband of the applicant while working as a Mailguard at HRO, BMS, Vijayawada orally informed the HRO that he was sick and he would avail sick leave from 7-9-88. It is stated that no medical certificate was submitted and he also did not join duty. It is alleged that he remained absent unauthorisedly from 7-9-88 from duty, thus violating the provisions of Rule 62 and 162 of P&T Manual Volume-III. Hence he was proceeded against under Rule-14 of CCS(CCA) Rules 1965. That proceedings ended with the compulsory retirement of the ex-employee, who is no more now, in the public interest in terms of memo No.B.2/31/II dated 13-10-89 (Annexure-10).

3. The husband of the applicant joined as Mailguard on 17-8-79. At the time of his compulsory retirement it is stated that he had put in 7 years 10 months 23 days of service. Hence his case for payment of pension was not accepted. The applicant filed representation for payment of family pension to her which was rejected by the impugned order No.J 30/MD/Mk dated 1-1-92 (Annexure-14). It is also stated in the impugned order that the gratuity to which her late husband Mr.M.Dasu was entitled had been disbursed to him.

4. This OA is filed for setting aside the impugned letter No. J 30/MD/Mk dated 1-1-92 (Annexure-14) on the ground that the respondent authorities have no rule to deprive the widow of the benefit of the family pension and for a consequential Benefit of grant of family pension.

2. The applicant now submits that she is about 40 years of age and she has no other means for livelihood. She has nobody to support her and she has two young children to be supported by her and educate them. Hence, she prays that she should be given some assistance by way of either family pension or some job even if it is of casual nature to support her children and also to ensure that she is able to carry on without difficulty.

6. In the above circumstances, I do not wish to give any direction in this connection. In order to consider this case I have called Sr. Superintendent of Post Offices, RMS, HOP Building, Vijayawada to be present today. Mr. M. Natarajan, Sr. Superintendent of Post Offices, RMS, HOP Building, Vijayawada was present in the Court. He submitted that he cannot quote any rule which will assist the applicant. The applicant having compulsorily retired before he had completed 10 years of service cannot get any pension. As the husband of the applicant was not getting any pension, there is no rule which gives the family pension to his family. However, he sympathises with the condition of the applicant in this case.

7. I have seen the SR and the personal file of the applicant also. There are number of periods wherein the deceased employee was X unauthorisedly on leave which were treated as dis-son. In view of the above it cannot be said that the applicant was absent only for the period for which he was charged. He that as it may, this case has to be considered on humanitarian ground.

8. The learned counsel for the applicant brought to my notice rule 41 of the CCS (CCA) Rules (Swamy compilation 11th Edition). As per this rule the competent authority may grant compassionate allowance for an employee dismissed or removed from service not exceeding two third of the pension and gratuity. Though this rule does not indicate that the compassionate allow is permissible in the case of compulsorily retired employee, in

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KEINER (WILHELM)
(B. 1870, 1910)

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11. THE CY 78 OUTGOING ACCOUTING. NO COSTS.

1. Security of Information: The release of information is controlled by the Director of Security, who is responsible for the security of the information. The release of information is controlled by the Director of Security, who is responsible for the security of the information.

10. In the event the following question is asked:-

that money from the sale of receipts of such representation
considered altogether and ordered of Martin a letter of
reply and to show a representation to receipt to be for the
representation to the Director General, both offices, N. A.

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the facts and circumstances of the case it is to be seen by the competent authority whether a departure can be made from this rule to grant compassionate allowance in the present case on humanitarian basis. If compassionate allowance is not permissible in view of the rules, the case of the applicant for engaging her even as a casual labourer may be considered, due to the pitiable condition of the applicant.

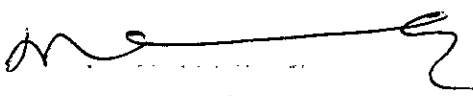
9. To consider the above issue she should submit a representation to the Director General, Post Offices, New Delhi, and if such a representation is received, it has to be considered sympathetically and disposed of within a period of four months from the date of receipt of that representation.

10. In the result, the following direction is given:-

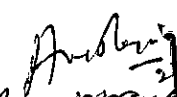
The applicant may submit, if so advised, a representation to the Director General, Post Offices, New Delhi, for granting her some compassionate allowance or alternatively to consider her case for appointment even if it is ^{of} a casual nature considering her present pitiable condition. If such a representation is received, the same should be disposed of within a period of four months from the date of receipt of that representation.

11. The OA is ordered accordingly. No costs.

(Registry should forward a copy of this OA and the enclosures and also reply filed by the respondents to Director General, Post Offices, New Delhi along with the judgement. The learned standing counsel should give the correct address of the Director General, postal services to the Registrar for sending the copy of the judgement to him)


(R. Rangarajan)
Member (Admn.)

Dated : The 13th August 1996.
(Dictated in Open Court)


Dy. Registrar

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Copy to:-

1. The Sr. Superintendent, RMS, HPO Building, Vijayawada-001
2. The Director of Accounts (Postal), Hyderabad-001.
3. The Chief Postmaster General (representing Union of India) Hyderabad.
4. One copy to Sri. C. Suryanarayana, advocate, CAT, Hyd.
5. One copy to Sri. K. Ramulu, Adml. CGSC, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.
8. Director General, post offices, New Delhi
(A/c CA original material from)

Rsm/-

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TYPED BY
COMPARED BY

DA 1203/95
CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN : MCA)

DATED: 13/8/91

ORDER/JUDGEMENT

M.A. NO/R.A/C.A. No.

IN

M.A. NO.

1203/95

ADMITTED AND INTERIM DIRECTIONS ISSUED

ALLOWED

~~DISPOSED OF WITH DIRECTIONS~~

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

~~NO ORDERS AS TO COSTS~~

* * *

*Copy
sent to Mr. Justice with copy of the
order to the D.G. Postal Services
No Spare Copy*

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

वेपण/DESPATCH

26 AUG 1996

हैदराबाद ब्याचपीठ
HYDERABAD BENCH