

UB 11

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : ADDITIONAL BENCH
AT HYDERABAD

O.A. NO.647 OF 1996

Between:

T. Krishna Murthy

Applicant

And

The Union of India
Represented by its
Secretary, Dept. of Posts
and others

Respondents

REPLY STATEMENT FILED ON BEHALF OF THE RESPONDENTS

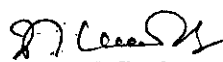
I, H. Seshagiri Rao, son of H. Narasimha Murthy aged about 55 years, Occupation: Government service, Resident of Hyderabad do hereby solemnly and sincerely affirm and state as follows:


1. I am the Assistant Postmaster-General(S&V) in the office of the Chief Postmaster-General, A.P. Circle, Hyderabad and as such I am well acquainted with the facts of the case. I am authorised to give this reply statement on behalf of the respondents herein.

2. I have read the original application filed by the above named applicant and I deny the several material allegations made therein except those that are specifically admitted herein.

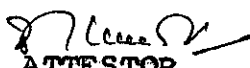
3. Before traversing in detail the several material allegations, averments and contentions made therein, I beg to submit as follows:


4. It is submitted that the applicant gave notice


ATTESTOR
सहायक वित्त अधिकारी (बजट)
Assistant Accounts Officer (Budget)
मुख्य पोस्टमास्टर जनरल का कार्यालय
Office of the Chief Postmaster General,
आ. प्र. परिमंडल, हैदराबाद-500 001.
A.P. CIRCLE, HYDERABAD-500 001.


DEPONENT
Asst. Postmaster General (S. & V.)
O/o. Chief Postmaster General
A.P. Circle, Hyderabad-500 001.

for voluntary retirement on 1-1-1995 effective after 3 months. Accordingly the official was permitted to retire voluntarily after the lapse of 3 months counting from 1-1-1995 and ending by 31-3-95. Accordingly the Postmaster General, Vijayawada issued voluntary retirement orders two months well in advance vide Memo.No.ST/I/21-5/C/52 dated 31-1-95 permitting the official to retire on 1-4-1995. The official was also addressed to forward ~~the~~ application for pension in form-5 together with necessary enclosures through the ASPOs Kavali HO indicating the voluntary retirement date as 1-4-1995 F/N and not A/N vide letter No.B1/Genl./95 dated 18-2-95 forwarded by ASPOs Kavali. The applicant who happened to be APM A/Cs Kavali HO also has submitted a calculation sheet indicating the gross qualifying service as from 10-8-1965 to 31-3-1995 and thus again indicated thereby this date of voluntary retirement is 31-3-95 A/N on 1-4-95 F/N. This is implied with the noting of date voluntary retirement as 1-4-1995 F/N. Accordingly, Pension papers were obtained through ASPOs, Kavali on 17-2-95 and submitted to DA(P) Hyderabad on 27-2-95. A.E. was received vide DA(P) Hyderabad No.700/Pen/IV/C.No.542/94-95 dated 27-3-95 indicating the date of retirement is 1-4-1995 F/N clearly and the date of ~~admissibility~~ admissibility of pension is 1-4-1995. The official gave an instructive letter through Postmaster, Kavali that ~~he~~ was due to retire on 1-4-95 and asked to arrange the retirement benefits at Tenali HO dated 30-3-95 received in Divnl. Office on 31-3-1995. Replies to A.E. were submitted to BA(P) Hyderabad vide No.415/C-1/95-96 dated 23-4-95 indicating that the above official retired voluntarily with effect from 1-4-1995 F/N P.P.O. was issued by DA(P) vide

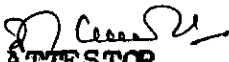

ATTESTOR
 सहायक लेखा अधिकारी (बजट)
Assistant Accounts Officer (Budget)
 मुख्य पोस्टमास्टर जनरल का कार्यालय
Office of the Chief Postmaster General,
 जॉ.प्र. परिमंडल, हैदराबाद-500 001.
A.P. CIRCLE, HYDERABAD-500 001.



DEPONENT
 Asst. Postmaster General (S. & V.)
O/o. Chief Postmaster General,
 A.P. Circle, Hyderabad-500 001.

No. 374/Pen-IV/C.542/94-95 on 1-5-95. Copy of this also endorsed to the Postmaster, Tenali HO and also to the official. CGE GIS sanction for Rs. 5830/- was sanctioned vide No. 24/Pen-IV/CGE GIS/C.No. 34/95-96/Item 30/95-96 dated 15-5-95. Commutation amount Rs. 52690/- was issued vide 378/Pen-IV/C.542/94-95/Comm. Item 73/95-96 dated 20-6-95. Final NDC was issued by the DA(P) Hyderabad vide XNo. 109/Pen-IV XC.No. 542/94-95 dated 27-6-95. As per Pension calculation sheet DCRG amount was arrived for Rs. 39600/- taking into account pay as Rs. 2000/- and 20% of pay, as the official was retired on the F/N of 1-4-95 voluntarily, provisional DCRG for Rs. 35640/- was issued vide Memo. No. 415/C-I/95-96 dated 18-4-95. After receipt of final NDC from DA(P), Hyderabad balance of DCRG of 10% worth Rs. 3960/- was sanctioned on 4-7-95 vide this office Memo. No. 415/C-I/95-96 dated 4-7-95.

It is further submitted that the applicant represented for enhanced retirement gratuity taking D.P. as 97% Pay instead of 20% of pay on 7-8-95. As per the office note the then SSPOs has ordered that 'Since the official retired on the F/N of the 1-4-95 he is not eligible for the benefit of the orders which have come into effect from 1-4-95. The applicant was informed accordingly vide 415/C-I/95-96 dated 15-10-95. Again the applicant appealed to the DPS Vijayawada on 19-10-95 received in Divnl. office on 20-10-95 and the same was submitted to DPS Vijayawada vide this office letter of even No. dated 3-11-95.

It is submitted that the DA(P), Hyderabad vide DO No. 7318/Pen-IV/C.No. 542/94-95 dated 21-12-95 clarified that the contention of the applicant that there is no distinction


ATTESTOR
 सहायक लेखा अधिकारी (बजट)
 Assistant Accounts Officer (Budget)
 मुख्य पोस्टमास्टर जनरल का कार्यालय
 Office of the Chief Postmaster General,
 ऑफिस, बरिबंदल, हैदराबाद-500 001.
 A.P. CIRCLE, HYDERABAD-500 001.


DEPONENT
 Asst. Postmaster General (S. & V.)
 O/o. Chief Postmaster General,
 A.P. Circle, Hyderabad-500 001.

UB

between premature/voluntary retirement and superannuation is not correct and relates to the lane case consequent on the IV Pay Commission recommendations relating to S. Benerjee only and rejected the application.

The Postmaster General, Vijayawada vide AC-I/Pen./NL dated 19-4-96 stated that the Supreme Court verdict limits to one individual case only for the IV pay Commission and stated 'No revision can be made'. Accordingly the applicant was informed vide this office Lr. of even No. dated 25-4-96.

5. In reply to para 4.2: Needs no comments.

6. In reply to para-4.3&4: As the official gave notice on 1-1-95 for voluntary retirement was noted as 1-4-95 F/N as asked by the official well in advance. It is not correct to say that the SSPOs rejected his representation to include 97% as pay for calculation of DCRG but the cases were referred to PMG Vijayawada as well as DA(P), Hyderabad and on receiving instructions only from DA(P) Hyderabad PMG, Vijayawada his representation was not considered.

7. In reply to para 4-5: The DA(P) Hyderabad and Postmaster General Vijayawada decided the representation based on the rulings received from Postal Directorate.

8. In reply to para 4-6: Needs no comments.

9. In reply to para 4-7: The official gave advance notice seeking voluntary retirement on the F/N of 1-4-95. As such retirement should be ordinarily by 31-3-95 A/N. He

M. S. S. S.
ATTESTOR

सहायक लेखा अधिकारी (बजट)
Assistant Accounts Officer (Budget)
मुख्य पोस्टमास्टर जनरल का कार्यालय
Office of the Chief Postmaster General,
जी. व. परिसर, हैदराबाद-500 001.
A.P. CIRCLE, HYDERABAD-500 001.

K. R. S.
DEPONENT

Asst. Postmaster General (S. & V.)
O/o. Chief Postmaster General,
A.P. Circle, Hyderabad-500 001.

WT

cannot seek the benedits of revised gratuity effective from 1-4-95 as he did not worked on that day i.e. on 1-4-95.

10. In reply to para 4-8: Voluntary retirement notice was issued by the Pensioner on 1-1-95. Permission to retire on voluntarily was also issued by the Postmaster-General on 31-1-95 stating that the retirement is 1-4-1995 F/N.

In view of the facts and circumstances stated supra, the applicant has not made out a case for consideration; it is, therefore, prayed that this Hon'ble Tribunal may be pleased to dismiss the original application.

Sworn and signed before
me on this 08th day of
July, 1996 at Hyderabad.

K. Rao
DEPONENT
Asst. Postmaster General (S. & V.)
O/o. Chief Postmaster General,
A.P. Circle, Hyderabad-500 001.

M. S. N.
ATTESTOR
सहायक लेखा अधिकारी (बजट)
Assistant Accounts Officer (Budget)
मुख्य पोस्टमास्टर जनरल का कार्यालय
Office of the Chief Postmaster General
आ. प्र. परिमंडल, हैदराबाद-500 001.
A.P. CIRCLE, HYDERABAD-500 001.

BEFORE ME

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH AT HYDERABAD

O.A. NO.647 OF 1996

Between:

T.Krishna Murthy ... Applicant

And

The Union of India
Rep. by its
Secretary, Dept. of
Posts and others ... Respondents



Recd copy

S. Murthy
Counsel
8/7/96

Filed on: N.V. Raghavakrishna

Filed by:

May 1996
8/7/96