

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

O.A.No.522 of 1997.

Date of decision: 29.1.1998

Between:

Ch. Rama Rao. .. Applicant.

And

1. The Sr. Superintendent of P.O.S.,
Hyderabad Division, GPO, Hyderabad 500 001.
2. The Director of Postal Accounts, AP Circle,
Hyderabad - 500 001.
3. The Chief Postmaster General, AP Circle,
(reptg. Union of India), Hyderabad 500 001.

Respondents.

Counsel for the Applicant: Sri C. Suryanarayana.

Counsel for the respondents: Sri V. Rajeswara Rao.

JUDGMENT.

(by Hon'ble Sri H. Rajendra Prasad, Member (A))

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The applicant retired on 31-12-1980 on attaining the age of superannuation. A sanction was issued by the 2nd respondent to Senior Post Master, Secunderabad Head Post Office, to disburse Rs.12,411.20 by way of Retirement Gratuity. A copy of this order was served on the applicant. The applicant however, states that the copy of the sanction was not received by him due to its having been sent to a wrong address. The applicant apparently chose to wait

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for 15 years and made his first representation in Sept., 1995 (Annexure A-2) alleging that he had not received payment of the Gratuity. This was followed by another representation on 17-6-1996 (Annexure A-3). Subsequently, the applicant states, he made several efforts to secure a copy of the original sanction and at one stage also explained the causes for the belated claim. In June, 1996, it was decided in Dak Pension Adalat that the amount would be paid to the applicant on his executing an indemnity bond. Some correspondence appears to have been also exchanged among the respondents regarding this claim. However, since no vouchers or other relevant record could be traced to establish the payment or non-payment of the said amount to the applicant, the case did not make any progress. The applicant in this O.A., prays for a direction to the respondents to order payment of DCRG, together with interest thereon, besides the costs of litigation.

The respondents state that all legitimate entitlements of the applicant ~~sanctions~~ were duly made between 26-12-1980 and 6-2-1981, authorising the payment, variously, of Gratuity (26-12-1980), Pension (26-12-1980) Commutation of Pension (6-2-1981) and balance of Gratuity (16-4-1981). Whereas the applicant admits the receipt of other ^{payments,} ~~sanctions~~ (b) he denies the receipt only of the Gratuity amount. The respondents state that the applicant's plea of

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non-receipt of sanction due to a wrong address is an untenable after thought because all sanctions that were issued in his favour were despatched to the very same address, and that the applicant could not possibly have received all such letters except the only one containing sanction of gratuity. It is also added that the Pension file of the applicant in the 2nd Respondent's Office does not contain any paper which was returned undelivered to the addressee, viz., the applicant. Even otherwise, as per Departmental Rules, the Senior Post Master was bound to return the original sanction Order to the issuing authority, i.e., Office of the 2nd Respondent, if no payment had been made on the said sanction, within one year of its issue. No such paper is available or seen in the relevant file as having been returned by the Senior Postmaster. It is also revealed that in 1995 the applicant had raised a similar claim regarding non-payment of balance in his GPF Account. Investigation into this complaint, however, showed that he had duly received the payment of balance amount in his GPF in April, 1981. This, according to the respondents, would go to indicate that the applicant is in the habit of floating fictitious claims of non-receipt of amounts after he had already received them.

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Coming to the non-payment of DCRG as averred by the applicant, the respondents submit that all relevant records like Pension Schedules, Gratuity Payment Orders and Gratuity Register, have been destroyed at the end of the prescribed period of their preservation. It is stated by them that their repeated genuine efforts to trace out the particulars of payment in respect of DCRG to the applicant were of no avail. They finally submit that all due payments were promptly sanctioned and taken payment by the applicant after his retirement. There is no particular reason why only gratuity should be withheld or remain undisbursed when he had received the payment of all other due amounts.

The stark fact in the present case is that the applicant remained mysteriously silent for as many as 15 years before staking his claim by way of submission of his first representation on 7-9-1995. The respondents were repeatedly directed to make efforts to trace out the records held by them which would establish the fact of payment/non-payment of the disputed amount. I am satisfied that such efforts have been made. There is an item in the Treasurer's Cash Book for the relevant period regarding issue of an amount equivalent to the gratuity sanctioned to the applicant, together with the title of the entry.

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The applicant appears to have built his case on the fact that the original sanction order was sent to a wrong address. It also seems plausible to argue that the applicant had constructed his claim taking advantage of the predictable inability of the respondents to produce the relevant vouchers/records, as those documents^{were} likely to be destroyed after the expiry of the period of their preservation.

As regards the applicant's contention that the PPO issued to a retired Official must contain an indication also of the gratuity paid to him, the respondents deny that this is at all required. It was argued at the time of final hearing that the Pensioner's Service Book should contain an indication concerning the gratuity, and that because his PPO does not contain such an entry, the gratuity can be taken to have not been paid to him at all. In this connection the Service Books of two other retired officials were produced with clear entries therein concerning payment of gratuity etc.

Despite all arguments presented on behalf of the applicant, some of which were ingenious though not fully acceptable, I am not convinced about the claim of the applicant. His silence for as long as 15 years is understandable and cannot be ignored or condoned. The respondents' disclosure that the applicant had made a similar claim in respect of final payment of his GPF., even after

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its receipt of the said amount needs to be taken note of though it has no direct bearing on the present case. Significantly, the rejoinder filed by the applicant is silent on this aspect.

In the circumstances, I do not find sufficient grounds to hold that the applicant had not received the payment of gratuity sanctioned to him on 26-12-1980. I take cognisance of the fact that the applicant's copy of the sanction order, if the same did not reach him, was not received back by the sender, similarly, was the disbursing officer's copy received back by Respondent-2 after its period of validity ceased. Merely because the respondents are not in a position to produce the relevant vouchers and records, it cannot be positively concluded that no sanction was issued or received by the applicant, particularly when the inability of the respondents to produce these documents is directly related to the unconscionable delay on the part of the applicant in pressing his claim, during which (long) interval all the relevant records were weeded out in the normal course and destroyed.

It was argued by Mr. Suryanarayana, learned counsel for the applicant, that the Pension Payment Register and Pension Payment Orders had to be

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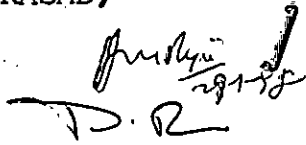
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preserved for at least 15 years after the retirement of an official, so that the pension sanctioned to him may be restored to its original quantum by ignoring the commutation value paid to him after the expiry of the said period. It is entirely true. However, it is not the case of the respondents that the Pension Payment Register or File is not traceable. They merely say that gratuity being a separate benefit, no codal provision prescribes that payment particulars of Gratuity should find a place in the Pension Payment Order or Register.

In the light of the facts revealed in the case, I do not find it possible to concede the prayer of the applicant, primarily because of his own laches in the matter. There is no merit in the O.A., and the same is disallowed. No costs.


H. RAJENDRA PRASAD,
MEMBER (A)

Date: 29 Jan 98.


D. R.

SSS.

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OA. 522/97

Copy to:-

1. The Senior Superintendent of Post Offices, Hyderabad Division, GPO, Hyderabad.
2. The Director of Postal Accounts, AP Circle, Hyderabad.
3. The Chief Postmaster General, AP Circle, Hyderabad.
4. One copy to Mr. C. Suryanarayana, Advocate, CAT., Hyd.
5. One copy to Mr. V. Rajeswara Rao, Addl. CGSC., CAT., Hyd.
6. One copy to HHRP M(A), CAT., Hyd.
7. One copy to D.R.(A), CAT., Hyd.
8. One duplicate.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE
VICE-CHAIRMAN
AND

THE HON'BLE MR. H. RAJENDRA PRASAD: M(A)

DATED: 29-1-1998

ORDER/JUDGMENT:

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

in
O.A.No. 522/97
T.A.No. QW.P

Admitted and Interim directions
Issued.

Allowed ~~Disallowed~~

Disposed of with direction

Dismissed.

Dismissed as withdrawn

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

pvm.

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
वैद्युत/DESPATCH
- 9 FEB 1998
हैदराबाद न्यायपीठ
HYDERABAD BENCH