

FORM NO. 21
(See Rule 114)

IN THE HIGH COURT OF JUSTICE, ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH : HYDERABAD

OA / TA / RA / CP / MA / PT 1281/97 of 199

..... M. A. Hakeem Applicant(s)

VERSUS

..... The Subpoena Hyd. of one Respondent(s)

INDEX SHEET

Serial No.	Description of Documents	Pages
Docket Orders		122
Interim Orders	26-9-97	21 to 23
Orders in MA (s)		
Orders in (Final Orders)	21-10-97	24 to 28

Certified that this file is complete
in all respects.

Signature of
Dealing Hand
(In Record Section)
14/11/97

Signature of S.O.

Date	Office Note	ORDER
		<p>The third aspect is regarding the delayed payment of some of his terminal benefits. The respondents may file a reply to the OA. The counter-affidavit, which should be filed within two weeks, can be restricted to this aspect alone since the other two issues have already been directed to be settled in the manner indicated above.</p> <p>The OA is admitted in terms of the above.</p> <p>List the OA for final hearing on 14-10-1997</p> <p><i>Jay/HHRP</i> HHRP M(A)</p>
14-10-97		<p>None for the applicant.</p> <p>Mr. Satyanarayana for Mr. N. R. Devraj, Sr. C.G.S.C for respondents.</p> <p>PART-HEARD</p> <p>List it day after tomorrow i.e. 16.10.97.</p> <p><i>Jay/HHRP</i> HHRP M(A)</p>
	<p><u>16/10/97</u></p> <p><u>list it on 16/10/97</u></p> <p><u>(8)</u></p> <p><u>Jay</u></p> <p><u>26/10/97</u></p>	<p><i>Jay/HHRP</i> HHRP M(A)</p>
21-10-97		<p><i>Jay/HHRP</i> HHRP M(A)</p> <p>O.A. disposed of. Order ride separate sheet.</p> <p><i>Jay/HHRP</i> HHRP M(A)</p>
		<p>MD</p>

Central Administrative Tribunal Hyderabad Bench: Hyderabad.

O.A. No.

1281

of 1997.

M. A. Hafeez

Applicants(s).

VERSUS.

Sr. Supdt. of Post office,

S.F. Division, Hyderabad & are

(Respondents).

Date	Office Note	ORDER
24-9-97	<p>Admit/Notice 6/10/97 Ans 6/10/97 Issued 7/10/97</p>	<p>The applicant projects three grievances in this OA. The first is regarding the encashment of leave where the applicant disputes the leave at his credit as arrived at by the respondents. This aspect need not be prolonged unnecessarily and ought not really to form part of any litigation any more. It would be sufficient to direct the respondent to fix a suitable date within the next two weeks, and ask the retired official (applicant) to be present in his office on the date so fixed, to be shown the details of leave at his credit. If he still has any grievance with regard to the final quantum of leave at credit thus arrived at, he shall file a representation to the respondent within a week thereafter, which, if submitted, may be examined on facts and merit and finally replied to by the SSP within a fortnight from the date of receipt of the representation.</p> <p>The second grievance of the applicant is regarding the cancellation of a spell of leave on MC which was earlier granted to him. The reasons for the said cancellation should be conveyed to the applicant at the time of the examination of the documents as indicated above.</p>

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH : HYD

ORIGINAL APPLICATION NO. 1281 OF 1997.

M. A. Hafeez

(Applicants(s)

VERSUS.

Union of India, Reps. by

Sr. Asstt. & Post. Office

85 Dm. Hyderabad 4 2 A

Respondent(s).

The application has been submitted to the Tribunal by
Shri S. Ramkumar & Sons Law Advocate/party in
person Under Section 19 of the Administrative Tribunal
Act, 1985 and the same has been scrutinised with reference
to the points mentioned in the check list in the light of
the provisions in the Administrative Tribunal (procedure)
Rules 1987.

MA.

The application is in order and may be listed for
Admission on -----

230(5)
Scrutiny Asstt.

Anbu
DEPUTY REGISTRAR (JUDL)

11. Have legible copies of the annexure duly attested *8*
12. Has the applicant exhausted all available remedies. *8*
13. Has the Index of documents been filed and pagination *8* done properly.
14. Has the declaration as required by item No. 7 of *8* form. I been made.
15. Have required number of envelops (file size) bearing full addresses of the respondents been filed. *8*
16. (a) Whether the relief sought for, arises out of *8* single cause of action.
(b) Whether any interim relief is prayed for, *2*
17. (c) In case an MA for condonation of delay is filed, *yes* it supported by an affidavit of the applicant.
18. Whether this cause be heard by single Bench. *87*
19. Any other points. *—*
20. Result of the Scrutiny with initial of the scrutiny *Deputy* *scrutinized* *numbered* *clerk.*

Scrutiny Assistant.

Section Officer.

Deputy Registrar.

Registrar.

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH: HYDERABAD.

File No. 2588

Report in the Scrutiny of Application.

Presented by S.R. Rao Date of Presentation 18/8/55
Applicant(s) M.A. Hayes

Respondent(s) Dr. S.P.O., S.E.D. Min. & D.L.O.

Nature of grievance Leave Encadrement

No. of Applicants 1 No. of Respondents 3

Leave CLASSIFICATION.
Subject encadrement No. 1 Department Postal No. 11

1. Is the application in the proper form, (three complete sets in paper books form in two compilations). ✓
2. Whether name description and address of all the parties been furnished in the cause title. ✓
3. (a) Has the application been fully signed and verified. ✓
(b) Has the copies been duly signed. ✓
(c) Have sufficient number of copies of the application been filed. ✓
4. Whether all the necessary parties are impleaded. ✓
5. Whether English translation of documents in a language other than English or Hindi been filed. —
6. Is the application on time, (See Section 21). ✓
7. Has the Vakalatnama/Memo of Appearance/Authorisation been filed. ✓
8. Is the application maintainability. (U/S 2, 14, -18, or U/R. 8 Etc.,) ✓
9. Is the application accompanied I.P.O/DD, for Rs.50/- ✓
10. Has the impugned order's original, duly attested legible copy been filed. ✓

P.T.O.,

CENTRAL ADMINISTRATIVE TRIBUNAL (YODN, B.C. BENCH, HYDERABAD)

I N D E X S

Case No. 1281 of 1997.

Cause Title

M. A. Hafeer

VISAGUS

Sr. Supdt. of Post offices,
S.E. Division, Hyderabad & Subs

SL. NO.	Description of documents	Page No.
1.	Original Application	1-6
2.	Material Papers	7-18
3.	Vakalat	1
4.	Objection sheet	-
5.	Spore Copies	-3-
6.	Covers	-3-

Referred to direct the Respondents to pay the applicant the short paid leave encashment amount of Rs. 5024/- and interest on all delayed payments at 18% p.A. for the period from 1.10.95 till the date of payment. OA No. 198 of 1997

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH : AT HYDERABAD

at 18% p.A. for the period from 1.10.95 till the date of payment.

OA No. 198 of 1997

Between:

Syed

MA Hafeez

A N D

Sr. Supdt of Post Offices,
Hyderabad South East Division,
and others.

(i) Leave Encashment

...Applicant

Leave/POSTAL

Postal (ii)

... Respondents

(C)

CHRONOLOGICAL STATEMENT OF EVENTS

Sl No.	Date	Events
1.	30.9.95	The applicant retired on superannuation from the cadre of HSG.II.
2.	1.11.95	The applicant was granted permission to remain in the quarters for two months.
3.	5.10.95	The applicant was paid retirement gratuity of Rs. 38,600/-
4.	3.4.96	Rs.8969 was recovered from the remaining amount of DCRG of the applicant
5.	5.96	Applicant filed OA 687/96.
6.	18.12.96	OA No.687/96 was disposed.

Since the applicant is not having any other alternative remedy except to approach this Hon'ble Tribunal for remedy redressal of his grievances, has filed this humble application before the Hon'ble Tribunal.

Hyderabad

Dated: 17.3.97

[Signature]
COUNSEL FOR THE APPLICANT

RECEIVED COPY

[Signature]
18/8

M N.R. Devaraj
Sr. CCSC

Allotted to:



(4)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : AT HYDERABAD

OA No. 1281 of 1997

Between:

M. A. Hafeez

...Applicant

A N D

Sr. Supdt of Post Offices,
Hyderabad South East Division
and two others.

...Respondents

I N D E X

Sl. No.	<u>Documents relied upon</u>	Ann No	Page No
1.	Original Application		1-6
2.	Lr. No. C/2-2/5/Pension & DCRG/93 dt. 26.3.96 of R-1	I	7
3.	Representation of the applicant dt. 27.2.95.	II	8
4.	Lr. No. B7-3/85 dt. 28.8.95 of R-1	III	9
5.	Lr. No. D-65/95-96 dt. 1.11.95 of R-1	IV	10
6.	Memo No. B.7-3/85 dt. 3-11.95 of R-1	V	11
7.	Representation of applicant dt. 22xxx 23.11.95.	VI	12
8.	Memo No. B1/3/103/95 dt. 1.3.96 of R-1	VIII	13
9.	Order dt. 16.12.96 in OA 687/96 <i>ycat</i> .	VIII	15 to 18

Hyderabad

Dated: 17.3.97

[Signature] *Amid*
COUNSEL FOR THE APPLICANT

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH : AT HYDERABAD

OA No. 1281 of 1997

Between:

M.A.Hafeez, S/o M.A.Ghani,
aged about 58 years, Ex-BPM,
Kanchanbagh, Hyderabad. ... Applicant

AND

1. The Supdt of Post Offices,
South East Division, Hyderabad.
2. The Director of Postal Services,
Hyderabad City Region, Hyderabad.
3. The Director of Accouts (Postal),
Hyderabad. ... Respondents

DETAILS OF THE APPLICATION:

Address for service of summons/ SANKA RAMAKRISHNARAO, Advocate,
Notices etc on the applicant : 1-8-549/C, II Floor,
Chikkadapally, Hyderabad.

1. Particulars of the order against which
the application is made:

This application is against the non-payment of
interest on the delayed payment of retiral benefits and
irregular short payment of Rs.5024/- towards leave
encashment.

2. Jurisdiction of the Tribunal:

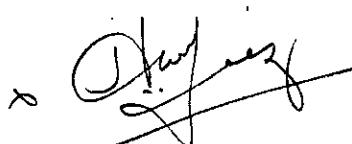
The applicant declares that the subject matter of
the order against which the wants redressal is within the
jurisdiction of the Tribunal u/s 14 (1) (b) of the A.T.Act.

3. Limitation:

The applicant further declaresthat the application
is within the limitation period prescribed in Section
21 (1) (a) of the A.T.Act.

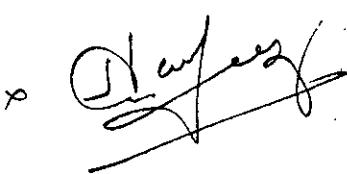
4. Facts of the case:

4.1. The applicant respectfully submits that he was
working in the Postal Department for about 35 years
and retired from HSC cadre on 30.9.95 on superannuation



He had been very sincere, hard working, totally devoted to his duties. He retired from the post of Sub-Postmaster, Kanchanbagh, Hyderabad, South East Division.

4.2. It is further submitted that as per the rules, the applicant was to be paid his gratuity, commutation amount, CGEGIS amount and leave encashment on the date of retirement. But in the applicant's case, the payment was delayed inordinately resulting in heavy financial loss. The applicant had a very small house and he had to expand the same, if he was to move his family and due to the ensuring retirement benefits, he contemplated to expand his small house by constructing two more rooms and made agreement with the labour contractor in July, 1995 on the condition that the amount will be paid in October, 1995, after retirement. The contractor left the work half way, since the applicant could not pay any amount due to delay in releasing the retirement benefits. This again resulted in heavy loss to the applicant, since the contractor has gone back on the agreed amount on the basis of escalation of prices. Since the house could not be completed and as his grandson, who was studying in the Kanchanbagh Lab. School, who could not be shifted in the middle of the academic year, the applicant requested for retention of the quarters till the end of the academic year. He was granted permission to retain the quarters ~~xxxxxxxx~~ for two months by paying Rs. 117/- per month vide SSPS, Hyderabad South East Division Ir. No. -65/95-96 dt. 1.11.95 but even after two months he was not paid the retiral benefits and he could not complete the construction of his shouse and so could not vacate the Sub-Postmaster's quarters. It is humbly submitted that on the applicant's retirement one Shri Narasimha Rao was posted as SPM, Kanchanbagh on condition that he need not occupy the quarter and he continued the post till 15.4.96 without occupying the quarters drawing HRA and the applicant's remaining in the quarter would never have been detrimental to the administration.



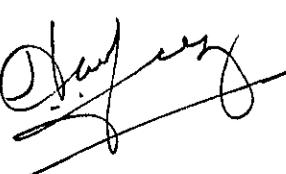
4.3. The applicant was hard pressed for money for completion of construction of his house but the department had been indifferent and insensitive to the applicant's financial problem. He was retired on 4.10.1995 and on 5.10.95 he was paid retirement gratuity of Rs.38,600/- out of the eligible amount of Rs.65010/-. The remaining amount was paid on 3.4.96 from which an amount of Rs.8969/- was recovered and even if double the rent after two months is to be recovered, there was a clear excess recovery of Rs.8301/-

4.4. It is further submitted that conversion of leave of one kind to another for the purpose of maximum amount of leave encashment is allowed as per rules and the applicant, who had 209 days Earned Leave at his credit applied for conversion of EL on medical certificate for 31 days from 18.2.70 to 20.3.70 as commuted leave and the same was granted by the SSPOs vide his memo No.87-3/85 dt. 28.8.95. Without paying the leave encashment amount on 10.10.95, the SSPOs cancelled the conversion vide his memo No.D7-3-85 dt. 3.11.95 and the applicant represented to the SSPOs about the illegality of the cancellation order on 23.11.95. There was no response and the applicant was allowed an amount of only 207 days leave (not even 209 days) and the amount was paid on 11.3.96.

4.5. The applicant was entitled for commutation of Rs. 41046/- which was due to be paid on 1.10.95. But this was paid with 25 days delay on 25.10.95.

4.6. The applicant further submits that he was due Rs.6314/- on 1.10.95 towards CGEGES, which was paid only on 11.3.96.

4.7. In view of the delay in payment of retiral benefits, he submitted an application on 27.12.95 for which there is no reply so far. Meanwhile, an amount of Rs.8969/- was ordered to be recovered for the so called unauthorised occupation of the quarter vide SSPOs order dt. 26.3.96.

✓ 

4.7. The applicant therefore filed OA 687/96 before this Hon'ble Tribunal seeking refund of the excess recovered amount of Rs.8301/- and also payment of interest at 18% on all the delayed payments. This Hon'ble in its order dt.16.12.96 directed the applicant to represent to the Post Deptt about the excess recovered amount but without passing any order on payment of interest to the delayed payments. Hence, this application before the Hon'ble Tribunal.

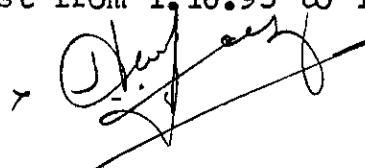
5. GROUNDS FOR RELIEF WITH LEGAL PROVISIONS:

5.1. The applicant submits that he was due to get a retirement gratuity of Rs.65010/- out of which only Rs.38600/- was paid on 5.10.95. Out of the remaining Rs.26410/- an amount of Rs.8969/- was recovered towards house rent and the remaining Rs.18009/- was paid only on 3.4.96 with a delay of 6 months for which the applicant is eligible for interest.

5.2. It is further submitted that the applicant exercised his right for conversion of EL on medical certificate from 18.2.70 to 20.3.70, which was approved but illegally cancelled and in spite of his repeated representations, he was not told, why it is cancelled. Leave once sanctioned can be cancelled only if there is no eligibility and even then it has to be treated as EOL. He was finally paid an amount of Rs.32568 on 11.3.96 with a delay of 5 months 11 days. He was short paid Rs.5024/- which is yet to be paid and so the applicant is entitled for interest for Rs.32568/- for 5 months 11 days and Rs.5024/- with interest till payment from 1.10.95.

5.3. The applicant humbly submits that he was sanctioned commutation amount of Rs.41046 which was payable on 1.10.95 but was paid on 25.10.95 resulting in heavy loss and he is entitled for interest for the period of delay.

5.4. The applicant was further sanctioned CGEGIS amount of Rs.6314/- which was payable on 1.10.95 but paid on 11.3.96, and he is entitled for interest from 1.10.95 to 10.3.96.



5.5. It is further submitted that payment of interest for delayed payment of retiral benefits is well settled in law vide 1993 (1) ATJ 61, New Delhi, 1991 SCC (L&S) 427, 1991 (1) ATJ 600 Chandigarh, 1992 (2) SLJ Kerala High Court 199, 1985 SCC (L&S) 278, it was held that action should be taken against officers responsible for delayed payment of retiral benefits, vide 1993 (2) SLJ CAT 361 Patna and that the interest for delayed payment should be granted vide (1990) 12 ATC 63 Ernakulam.

6. Details of Remedies Exhausted:

As there is statutory provision to appeal against the retiral benefits, the applicant has no other alternative remedy except to approach this Hon'ble Tribunal. Hence, this application before the Hon'ble Tribunal.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING WITH ANY OTHER COURT :

The applicant further declares that he had not previously filed any application, writ petition or suit regarding the matter in respect of which this application has been made before any other court or any other authority or any other Bench of the Tribunal.

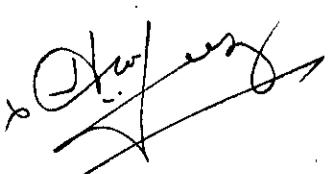
8. Relief (s) Sought:

It is respectfully prayed that the Hon'ble Tribunal may be pleased to direct the respondents to pay the applicant the short paid leave encashment amount of Rs. 5024/- and interest on all delayed payments detailed in para 5 at 18% per annum for the period from 1.10.95 till the date of actual payment and pass such other and further order or orders as may be deemed fit and proper in the circumstances of the case.

9. Interim Relief: Nil

10. Not applicable

11. Particulars of Postal Order:



(10)

:: 6 ::

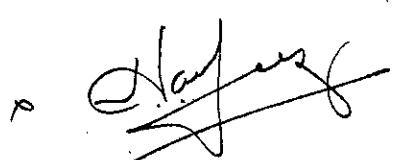
a) PONO: 8 12 687544
b) Date: 6/8/97
c) Fee: Rs.50/-
d) Name of the office of issue: Hyderabad, P.O (Hisham)
e) Name of the office payable at: G.P.O Hyderabad
 Rs. 50/- A
12. LIST OF ENCLUSES AS PER INDEX ~~W.P.O, D.S., D.D. / Removed~~

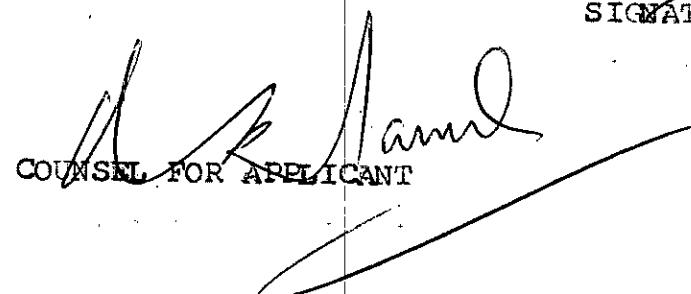
VERIFICATION

I, M.A. Hafeez, S/o M.A. Ghani, aged about 58 years, ex-SPM, Kanchanbagh, Hyderabad, do hereby verify that the contents of this application from paras 1 to 4 and 6 to 12 are true to my personal knowledge and para 5 believed to be true on legal advise and that I have not suppressed any material facts of the case.

Hyderabad

Dated: 14.3.97


SIGNATURE OF APPLICANT


COUNSEL FOR APPLICANT

A T

7/11

Government of India
Department of Posts

Office of the Senior Supdt. of Post Offices,
Hyderabad South East Division, Hyd-500 027.

To
The Postmaster,
Hyderabad Jubilee HO/Stn.Kachiguda-HO
Hyderabad-500002/ 500027

No. C/2-2/5/ Prov. DORG / Dated at Hyderabad-27 the 26/3/76

Please arrange to make payment to Shri M. A. H. Rao 2pm
Kandham Rao who will retire on the afternoon of 12.3.76
a sum of Rs. 951/- (Rupees ninety five only) less disbursements
one hundred and nine less recoveries detailed in para (2)
below being the amount of 90/- DCRG. The amount should be
paid on or after 12.3.76.

2. The following recoveries should be effected from the
DCRG sanctioned above and credited in UCR of the same date
recording there in full particulars of credit in account s
under intimation to this office and Director of Accounts (Postal)
Hyderabad-500001.

1. Rs. 896/- downwards (including recuperation of the Post Office
expenses from 1-12-75 to 28.2.1976.
2. Rs. 436.35 downwards other and Electricity charges UP.B. 2/45
3. 4.
5. 9405.35 1-12-75 to 28.2.76

3. His acquittance may be taken for the gross amount on ACG-17
on one rupee revenue stamp.

4. The particulars of payment should be recorded in service
book of the official.

5. This sanction should be kept in our personal custody
until it is paid.

6. The disbursing officer should be made responsible for
the proper identification of payee.

7. The amount is debitible "Abstract-G-(10) DCRG Voted". Without DCR.

8. Balance of DCRG will be authorised for payment by the
DA(P) Hyd-1 as a final settlement. With DCR.

Senior Supdt. of Post Offices
Hyderabad South East Division
Hyderabad-500027.

Copy to: registered.
1. Shri M. A. H. Rao 2pm for information. He will please
take payment at Hyderabad Jubilee HO.
2. The Director of Accounts (Postal) Hyderabad-500001.
for information and necessary action.
3. Office copy.

Senior Supdt. of Post Offices
Hyderabad South East Division
Hyderabad-500 027.

TC

A II

12/8

From:

MA HAFEEZ
Retd S P M
Kanchanabagh
Hyderabad - 500 028

To

The Sr Supdt Of POS
Hyderabad South East Divn.
Hyderabad - 500 027

Subject: DELAY IN PAYMENT OF RETIREMENT BENIFITS-REGARDING

Respected Sir,

I retired from service on 30-09-95. At the time of retirement, I was not given any retiral benefits. Subsequently an amount of Rs.39,600.00 was sanctioned as retirement Gratuity and was paid only Rs.38,600.00 presumably for the recovery of the rent of the quarter I am occupying. It is a fact that I am in occupation of Govt quarters, but it is also a fact that your kind-self has taken utmost care to recover Govt dues and with-held my gratuity of Rs.1000/-.

The DAP has sanctioned the whole gratuity vide his order No.6007/Pension VII/C No.6/95-96/PPO No.11369/LPR dated 1.11.95 Rs.65,010/- as DCRB and so I am due to that Rs.25,410/- but the same has not been paid to me so far. As you have with-held Rs.1000/- towards possible house rent, no further amount can be withheld. I request you to arrange payment of Rs.25,410.00/- immediately as already you have with-held Rs.1000/-.

I had about 7 months EL at credit and I requested for conversion of certain period to make the total credit of 240 days. You were kind enough to accede to my request but, unkind to cancel your own orders. I submitted further application in this case and why it is pending there is no reason why the encashment should not be paid to me for the period for which I had full entitlement. While requesting you to sympathetically consider conversion of the leave period. I request you to release the amount of leave encashment of about 7 months for which there is no dispute.

Every Govt servant in service can not be insensitive to the retiring Govt Servant as retirement is the natural end of bureaucracy. I retired in September 95, and you too would retire, I don't know when, but every officer has to empathise with the plight of a pensioner since every officer is a pensioner in the future.

Authoritarianism of an officer is unworkable and it is much more. So if retiring officer like your kind-self do not understand. To day I am a pensioner and tomorrow you may be a pensioner and I think you will not get any extra pension by suffocating me. Afterall the law of survival of human society should prevail and I humbly request you, to arrange payment of Rs.25,410/- as residuar DCRB and the leave encashment of about 7 months of which there is no dispute.

Thanking you,

Yours faithfully,

(M A HAFEEZ)
27/10/95

Dated: 27/10/95
Station: HYDERABAD

A III
8/13

GOVERNMENT OF INDIA
DEPARTMENT OF POSTS

to senior superintendent of post offices,
South East Division Hyderabad 500 027

Dated at Hyderabad 500 027 the 28.8.95

Sanction of the Senior Superintendent of Post Offices, Hyderabad South East Division, Hyderabad 500 027 is here by accorded to Smt. M. A. Hafeez, SPM, Kanchanbagh for conversion of earned leave on M.C into committed leave for the period noted below vide provisions of Rule 10 of CCS (Leave) Rules., 1972.

EL on M.C from 18.2.70 to 20.3.70, 31 days.

A copy of this memo is issued to:

Regd; 1. The Postmaster Hyderabad Jubilee HD Hyderabad - 2. He will please make necessary corrections in the service book and as well as in the leave account also

2. The official for information.

3. The Director of Accounts (Postal) Hyderabad - 1.

4. Accountant Divisional Office.

5. OA BI Branch at Divisional office.

6. & 7. Office copy/ spare.

3/2/95
Editor, Supdt. of Post Offices,
Hyderabad South East Division,
Hyderabad 500 027

Trk

Government of India
Department of Posts

Office of the Senior Supdt. of Post Offices,
Hyderabad South East Division, Hyd-500 027.

To
Shri. M. A. Hafeez,
Retd. SPM,
Kanchanbagh SO
Hyderabad-500058
(Regd. AD)

No. D-65/95-96 Dated at Hyderabad-500027 the 1-11-1995.

Sub:-Vacation of SPMs quarters-Reg.

Ref:-Your letter dated 25.10.1995.

—000—

In continuation to this office letter of even no. dated 18.10.95 you are permitted to retain the quarters for two months from the date of retirement i.e., 30.9.95 afternoon vide Dte. letter No. 4-16/88-Sldg dated 16.9.88.

You are therefore requested to vacate the quarters by 30.11.1995 positively by crediting the licence fee of Rs. 117/- for Nov '95 at Kanchanbagh SO and intimate credit particulars.

NO EXTENSION WILL BE PERMITTED.

Yours
Senior Supdt. of Post Offices
Hyderabad South East Division
Hyderabad-500 027.

Copy to:

1. The Subpostmaster, Kanhhanbagh, Hyderabad-58 for information.
2. The Accountant/BI Branch OA, Divisional office for information.
Payment of encashment of leave and other benefits if any should be effected in consultation with the building branch, Divisional office.
3. Office copy.

Senior Supdt. of Post Offices
Hyderabad South East Division
Hyderabad-500 027.

~~Permitted to stay for 2 months Oct & Nov
Licence Fee of Rs. 117/-~~

~~As per~~

~~1-12-95 to 28.2.96~~

~~21/2/96, Domestic Rent 270/-~~

~~Dec 30/-
Jan 30/-
Feb 30/-~~

~~1st~~

A VI

(14/15)

Office of the Senior Supdt. of Post Offices,
Hyderabad South East Division, Hyd-500 027.

Memo No. B7-3/85 Dated at Hyderabad-500 027 the 3-11-1995.

This office orders issued vide this office memo of even no. dated 28.8.95 regarding conversion of earned leave on MO into commuted leave for the period from 15.2.70 to 20.3.70 -(31) days in respect of Shri. M.A. Hafeez, Retd. SPB Kanchanbagh SO are hereby cancelled.

A copy of this memo is issued to:-

1. The Postmaster, Hyderabad Jubilee HQ, Hyderabad-500002. This has a reference to his lr. No. Ac/Pen/MAH/95-96 dated 7.10.95. The service book of the official is returned herewith for taking necessary action.
2. The official for information. His request could not be considered because the leave a/c was running minus balance of 61 days during 1979 and 1 day during 1981.
3. The Director of Accounts (Postal) Hyderabad-500001.
4. The Accountant, Divisional Office.
5. OA, BI Branch at Divisional Office.
6. Office copy.

Enclosed
Senior Supdt. of Post Offices
Hyderabad South East Division
Hyderabad-500 027.

(X) Sri M.A. Hafeez

Retd. SPB

Kanchanbagh

Hyd- 58.

Cancelled Date
T.D.

From :

MA Hafeez, SPM(Retd)
Kanchanbagh PO
Hyderabad-58

(Enclosed Copy).

To :

The Sr Supdt of Post
Hyderabad South East Division
Hyderabad-500 027

Sub: Cancellation of conversion of EL on MC into
commuted leave.

Ref: 1) Your Office Memo No. B7-3/85, dt 28-8-95.
2) -do- dt 3-11-95.

Sir,

~~Excluded~~

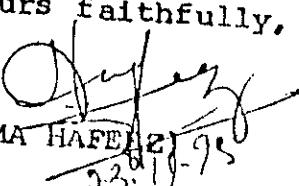
I humbly submit that the cancellation memo does not give any reason for such action.

Presuming that it is for want of enough HPL at credit on that day, I submit that leave sanctioned once can not be cancelled if no HPL was at credit, the only course left is to treat the period as EOL.

I therefore request you to either retain the old order, if I am eligible and if not treat the period as EOL for which I will be highly grateful.

Thanking you Sir,

Yours faithfully,


(MA Hafeez)
23-11-95

Dt 23-11-1995

Government of India
Department of Posts

A.V.I.T.

B

17

Office of the Senior Supdt. of Post Offices,
Hyderabad-South East Division, Hyd-500 027.

30.9.95

81
A.V.I.T. dated at Hyderabad-500 027, the 1-3-96.

Under the provisions of Rule 39 of CCS (Leave) Rules 1972 Sanction of the Senior Supdt. of Post Offices, Hyd. South East Division, Hyderabad-500 027. is hereby accorded for payment of cash equivalent to leave salary for 207 days (two hundred seven days only) of earned leave at credit to SHRI M.A. Hafeez Ex-SPB, Kanchan Bank who retired on superannuation on the afternoon of 30-9-95.

A copy of this memo is issued to:-

1. The Official at Kanchan Bank 30.
2. PF of the Official.
3. The Postmaster Jubilee 110, Hyderabad-500 002 with a copy to Director of accounts Postal, Hyderabad-5000 001.
4. The Accountant DO Hyderabad-500 027.
5. Office copy/Specie copy.

Senior Supdt. of Post Offices,
Hyderabad South East Division,
Hyderabad-500 027.

T.G.

15

- 2 -

(Order per Hon'ble Shri B.S. Dai. Parasmeshwar, Member (A)).

The case of the applicant is that he was working as Sub-Post Master in the cadre of HSG-II at Kanchan Bagh Post Office and retired from service on 30-9-95. While he was in service he was provided a quarter at Kanchan Bagh at a nominal rent of Rs.117/- per month. By letter No.D-65 dt.21-11-95 the applicant was asked to vacate the quarter by 30-11-95. The applicant could not vacate the quarters as on 30-11-95 as his own house was under construction and his children were undergoing education. Therefore he requested the authorities to extend the period for vacating the quarters till the end of March, 1996. However his request was not considered and the applicant vacated the quarter on 26-2-96.

2. The Department has recovered a sum of Rs.8,969/- towards the licence fee for the quarter for the period from 1-12-95 to 28-2-96.

3. Feeling aggrieved by the action of the respondents in recovering the sum of Rs.8,969/- for the occupation of quarter from 1-12-95 to 28-2-96, the applicant filed this application praying this Tribunal to direct respondents to refund the sum of Rs.8,267/- (Rs.8,301/-) with interest at the rate of 18%.

4. It is submitted for the applicant that he was due to get the retirement gratuity on 1-10-95 but he was ~~not~~ paid only Rs.38,600/- out of Rs.65,000. That out of the remain amount a sum of Rs.8,969/- was recovered towards the licence fee for the occupation of the quarter, which was not under the demand. Even therefore

.....3.

A-III

15

18

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO. 682/96

DATE OF ORDER : 16-2-1996

Between :-

M.A. Hafeez

.. Applicant

And

1. The Sr. Supdt of Post Offices,
South East Division, Hyderabad.
2. The Director of Postal Services,
Hyderabad City Region, Hyderabad.
3. The Director of Accounts (Postal),
Hyderabad.

.. Respondents

Counsel for the Applicant : Shri Sanaka Radakrishna Rao

Counsel for the Respondents : Shri V. Vinod Kumar, Adol. C.G.S.

COURT:

THE HON'BLE SHRI B.S. DAI PARATESHWAR : MEMBER (S)

.. 2.

7. The learned counsel for the respondents also produced the letter dt.10011/3/92 dt.30-5-95 wherein the rates of damages for unauthorised occupation of Postal Accommodation was revised. During the course of arguments the learned counsel for the respondents further submitted that the circular instructions relied upon by the applicant are applicable to the General Pool Accommodation made and the same cannot be/applicable to post attached quarters.

8. Even though the learned counsel for the applicant disputed that the quarters occupied by him is a post attached quarter, by a communication dt.29-11-95 he was made aware that he was occupying the quarters which was attached to the post. The learned counsel for the applicant further relied upon the circular instructions dt.13/16-9-88 issued for considering unauthorised occupation of the quarters on retirement/death/transfer. He relied upon paras (e) and (g) of the said instructions, which reads as follows :

"(e) The retention of a post-attached quarter can be granted by the Head of a Circle, only upto a period of two months and not beyond.

(g) Request for retention of quarters by retired officials can be granted under the provision of the Directorate letter No.2-67/86-NB(P) dt.8-8-86."

Under the said rules it was for the department to consider to extend retention of the post attached quarters. However, the applicant was informed by the letter dt.29-11-95 that his request for retention could not be considered. The learned counsel contends that the applicant should have been informed in advance about the circular instructions contained in letter dt.30-5-95 and the department's intention to recover the rent at the rate

- 3 -

16 19

vacated the quarter, the same was lying vacant for three months. Further the said quarter was not a post attached quarter. Inspite of the pecuniary hardship, the applicant is willing to pay the rent at the double rate for the period from 1-12-95 to 20-2-96. There is delay of 6 months in payment of gratuity and a portion of the retirement benefits were paid to him after he vacated the premises.

5. The respondents have filed their counter contending that 90% of the Death-cum-retirement gratuity was paid to the applicant on 5-10-95. That most of the retiral benefits were paid to the applicant within suitable time. That the applicant was permitted to continue to occupy the quarters up to 30-11-96. That the quarters occupied by the applicant was a post attached quarter. That the applicant made a representation to continue to occupy the said quarter till the end of March, '96 which was rejected by the authorities. As there is no provision to extend the period of occupation ~~any~~ of quarter beyond 2 months ~~in the case of post attached quarters~~, the period of occupation beyond 2 months was treated as unauthorised/illegal occupation and the rent was charged at the rate of Rs.55/- per sq.foot ~~from 1-12-95 to 20-2-96~~.

6. During the course of arguments the learned counsel for the respondents furnished a copy of the letter dt.29-11-95 through which the applicant was informed that he was in occupation of a post attached quarter and as per the existing rules retention of post attached quarters could be granted up to 2 months and not beyond that period. Further in the said letter he was directed to refer to the earlier letters dt.18-10-95, 1,11.95 and 21.11.95 and to vacate the quarters by 30-11-95 positively.

for living room per month of Rs.55/- per sq.feet. However I humbly feel that the retention of the quarters by the applicant was under the justifiable cause

It is for the respondents to consider whether the damage amount is to be recovered or not. I feel that recovery of Rs.8,969/- from the gravity of the applicant appears to be severe having regard to the conditions and financial circumstances of the applicant.

.. The applicant may make a suitable representation to the Directorate to re-consider the issue of recovery of damages for the period from 1-12-95 to 26-2-96. In case such a representation is made, the Directorate may consider it sympathetically within 6 months from the date of receipt of the representation. With these observations the D.A. is disposed of. No order as to costs.

CEMETERY OF THE
PROTESTANT CHURCH

क्रम नंमार
CASE NUMBER (म) 627/96
Date of Judgement 16/12/96
Date of hearing 16/12/96
Copy made by me on 16/12/96

negative infarct (a + e)
Second Officer (D)

26

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

O.A.NO. 1281/97.

Date of Order: 24-9-97.

Between:

M. A. Hafeez-

.. Applicant.

and

1. The Supdt. of Post Offices,
South East Division, Hyderabad.
2. The Director of Postal Services,
Hyderabad City Region, Hyderabad.
3. The Director of Accounts (Postal)
Hyderabad.

.. Respondents.

For the Applicant: Mr. S. Ramakrishna Rao, Advocate.

For the Respondents: Mr. N.R. Devraj, Sr. OGSC.

CORAM:

THE HON'BLE MR. H. RAJENDRA PRASAD : MEMBER(ADMN)

The Tribunal made the following Order:-

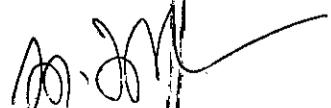
The applicant projects three grievances in this O.A. The first is regarding encashment of leave where the applicant disputes the leave at his credit as arrived at by the respondents. This aspect need not be prolonged unnecessarily and ought not really to form part of any litigation any more. It would be sufficient to direct the respondent to fix a suitable date within the next two weeks, and ask the retired official (applicant) to be present in his office on the date so fixed, to be shown the details of leave at his credit. If he still has any grievance with regard to the final quantum of leave at credit thus arrived at, he shall file a representation to the respondent within a week thereafter, which if submitted, may be examined on facts and merit and finally replied to by the SSP within a fortnight from the date of receipt of the representation.

The second grievance of the applicant is regarding the cancellation of a spell of leave on MC which was earlier granted to him. The reasons for the said cancellation should be conveyed to the applicant at the time of the examination of the documents as indicated above.

The third aspect is regarding the delayed payment of some of his terminal benefits. The respondents may file a reply to the O.A. The counter-affidavit, which should be filed within two weeks, can be restricted to this aspect alone since the other two issues have already been directed to be settled in the manner indicated above.

The OA is admitted in terms of the above.

List the OA for final hearings on 14-10-1997.


Deputy Registrar

O.A. 1281/97

To

1. The Supdt. of Post Offices,
South East Division, Hyderabad.
2. The Director of Postal Services,
Hyderabad City Region, Hyderabad.
3. The Director of Accounts (Postal)
Hyderabad.
4. One copy to Mr. S. Ramakrishna Rao, Advocate, CAT. Hyd.
5. One copy to Mr. N. R. Devraj, Sr. CGSC. CAT. Hyd.
6. One sparecopy.

pvm.

I Court.

TYPED BY:

CHECKED BY:

COMPARED BY:

APPROVED BY:

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:- 24/9/97

ORDER/JUDGMENT

M.A.,/RA.,/C-A.No..

in

Q.A.No. 1281/97

T.A.No.

(W.P.)

Admitted and Interim directions issued.

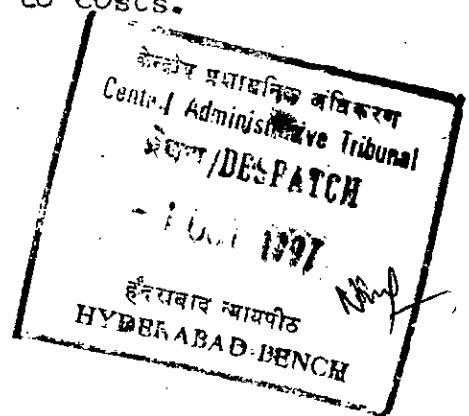
Allowed List on 14/10/97 for
Disposed of with Directions.
Dismissed. Final hearing.

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected

No order as to costs.



240

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH

O.A.1281/97

Date: 21-10-1997

Between:

M.A. Hafeez

.. Applicant

AND

1. The Supdt. of Post Offices,
South East Division,
Hyderabad.

2. The Director of Postal Services,
Hyderabad City Region,
Hyderabad.

3. The Director of Accounts (Postal)
Hyderabad. .. Respondents

Counsel for the applicant : Mr. S. Ramakrishna Rao

Counsel for the respondents: Mr. N.R. Devraj

Coram:

Hon'ble Shri H. Rajendra Prasad, Member (A) *Q*

..2/-

Heard Mr. S. Rama Krishna Rao for the applicant and Mr. N. R. Devraj for the respondents.

2. The applicant had raised three basic grievances in this OA. Firstly, he disputed the quantum of leave that was shown as being at his credit at the time of his retirement on superannuation. Secondly, he was dissatisfied with an alleged cancellation of a spell of leave which had earlier been sanctioned to him on the strength of a medical certificate. Thirdly, he was aggrieved by the delay in sanctions of amounts due by way of his terminal benefits.

3. Vide order dt. 24-9-1997, the parties were directed to settle the first two issues by discussion and personal interaction. It is understood that this has since been done. If any question relating to these two grievances happens to be still unsettled, the same may be settled through the normal process of representation by the applicant and its examination by the respondent. No further directions are called for with regard to these matters.

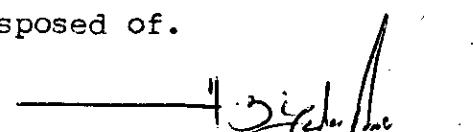
4. The only aspect which remains for consideration now is the one concerning delayed payments and the question of possible interest on them.

To
JW

It would be seen that there has been definitely some avoidable delay in sanction and disbursement of amounts representing the encashment of unspent leave, and also (certain nominal amount) on refund of CGEGIS contributions. There certainly does not seem to be any inordinate delay in the matter of commutation of pension.

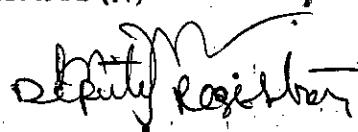
5. Taking into consideration the facts and submissions made, it is directed that the actual quantum and extent of delays be determined, wherever these have occurred, in all payments made to the applicant. If any settlement is found to have been needlessly delayed in any of the disbursements to the applicant beyond 60 days from the date such payment(s) became due, the respondents shall sanction interest on such clearly-identified amounts @ 14% p.a. The actual determination of the delays, if any, may be done within 30 days from the date of receipt of a copy of this order, and the sanctions, if any and if justified, be issued within 45 days thereafter. It is clarified that any interest that may become payable in compliance with the direction shall be calculated and admissible only upto this date, viz. today.

6. Thus the OA is disposed of.


(H. RAJENDRA PRASAD)
Member (A)

MD

Dictated in open court


Deputy Registrar

O.A.1281/97-

To

1. The Superintendent of Post Offices,
South East Division, Hyderabad.
2. The Director of Postal Services,
Hyderabad City Region, Hyderabad.
3. The Director of Accounts (Postal)
Hyderabad.
4. One copy to Mr. S. Ramakrishna Rao, Advocate, CAT. Hyd.
5. One copy to Mr. N.R. Devraj, Sr. CGSC. CAT. Hyd.
6. One copy to HHRP.M.(A) CAT. Hyd.
7. One copy to D.R.(A) CAT. Hyd.
8. One spare copy.

pvm.

21/10/97
I Court.

TYPED BY:

CHECKED BY:

COMPARED BY:

APPROVED BY:

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:-

21/10/97

ORDER/JUDGMENT.

M.A.,/RA.,/C-A.No.:

in

Q.A.No. 1281/97

T.A.No.

(W.P.)

Admitted and Interim directions issued.

Allowed

Disposed of with Directions.

Dismissed.

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected

No order as to costs.

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

DESPATCH

3 NOV 1997

हैदराबाद आवायी
HYDERABAD BENCH