

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
JAIPUR BENCH, JAIPUR.

Jaipur, the 17<sup>th</sup> day of October, 2008

ORIGINAL APPLICATION NO.10/2006

CORAM :

HON'BLE MR.B.L.KHATRI, ADMINISTRATIVE MEMBER

Smt.Ramu Devi  
w/o Late Shri Kalyan Sahai Vijai,  
r/o Village & Post Dubbi,  
District Dausa,  
At present C/o Deluxe Dry Cleaners,  
Shop No.10, Palika Bazar, Sector-9,  
Malviya Nagar,  
Jaipur.

... Applicant

(By Advocate : Shri C.B.Sharma)

Versus

1. Union of India through  
Secretary to the Govt.,  
Department of Posts,  
Ministry of Communication &  
Information Technology,  
Dak Bhawan, Sansad Marg,  
New Delhi.
2. Principal Chief Post Master General,  
Rajasthan Circle,  
Jaipur.
3. Supdt. of Post Offices,  
Jaipur (M) Postal Division,  
Jaipur.
4. Assistant Superintendent of Post Offices,  
Dausa Sub Division,  
Dausa.

... Respondents

(By Advocate : Shri D.C.Sharma)

ORDERPER HON'BLE MR.B.L.KHATRI

The applicant has filed this OA thereby praying for the following relief :

- (i) That the entire record relating to the case be called for and after perusing the same respondents may be directed to release ex-gratia gratuity Rs.18000/- and severance amount of Rs.30000/- for the payment to the applicant alongwith interest at market rate.
- ii) That any instructions which deprived the applicant from due benefits be quashed and set aside with all consequential benefits."

2. Brief facts of the case are that in the year 2003 the applicant was running in the age of 58 years and from some time was suffering from heart disease and also gone through surgery. Thereafter, she made a request to quit service vide application dated 5.2.2003. Respondent No.4, being competent authority, directed the applicant, vide letter dated 1.8.2003 (Ann.A/2), that she should make a clear request for resignation or voluntary retirement.

3. In response to the letter (Ann.A/2), the applicant made a request dated 13.8.2003 (Ann.A/3) for voluntary retirement by submitting a certificate of Dr.S.M.Sharma, SMS Hospital, Jaipur, in support of her illness. Respondent No.4, being competent authority, after consideration of request of the applicant, issued order dated 20.8.2003 (Ann.A/4) for voluntary retirement of the applicant with immediate effect. The applicant thereafter made a request dated 4.10.2004 (Ann.A/5) for allowing her the retiral benefits viz. ex-gratia gratuity of Rs.18,000/- and severance allowance of Rs.30,000/-. Thereafter, the applicant made such requests on 18.1.2005 and 16.12.2005 (Ann.A/6 and A/7 respectively). The applicant submitted that she had rendered more than 38 years of service and as she was suffering from heart disease, voluntary retirement was sought and granted. Benefits of ex-gratia gratuity and severance allowance have been denied to



the applicant without informing any reason for the same.

4. Learned counsel for the respondents relied upon the reply filed and, inter-alia, made the following submissions :

- i) Applicant was appointed as EDBPM, Dubbi [now GDS BPM] w.e.f. 31.7.65 by Inspector of Post Offices, Dausa, vide memo dated 23.2.88 and on upgradation of Dubbi Branch Office into Departmental Sub Post Office, the applicant was appointed on the post of EDMC, Dubbi [now GDSMC] w.e.f. 20.11.78.
- ii) Learned counsel for the respondents referred to Ann.A/1, orders of Government on Ex-gratia Gratuity and Severance amount on retirement. A GDS is entitled for grant of ex-gratia gratuity, who performs continuous service of minimum of ten years and Severance Allowance is admissible only for minimum 15 years of continuous service. But in the case of the applicant, due to her unauthorized absence resulting into forfeiture of her past service, she is not entitled for grant of any such benefits.
- iii) The applicant requested for voluntary retirement, for which she was not eligible, but the Assistant Superintendent of Post Offices, Dausa, vide memo dated 20.8.2003, illegally and contrary to rules allowed her to retire w.e.f. 26.8.2003. In fact, resignation of the applicant was to be accepted by the Assistant Superintendent of Post Offices, Dausa, for which no ex-gratia gratuity or severance allowance is payable.
- iv) The applicant did not appear before the medical board for invalidation nor was any certificate issued to that effect. The



medical certificate produced by the applicant did not recommend her for invalidation but simply advise her for rest.

- v) The applicant is not entitled for grant of ex-gratia gratuity since it is payable to ED Agents who quit service on account of medical grounds without relevance to the age, provided the other conditions for grant of gratuity such as minimum qualifying service etc. are fulfilled. Under Rule-6 of the Department of Posts, Gramin Dak Sevak (Conduct and Employment) Rules, 2001 'continuous service' for the purpose of payment of ex-gratia gratuity shall mean only such continuous service rendered in any capacity as an ED Agent and in determining the period of continuous service, periods where an ED Agent himself/herself does not personally attend to the duties assigned to him/her shall be treated as breaks in service unless each such period is of duration of 90 days or less and the absence from his/her duties is authorised by the written order of the appointing authority. Further, unauthorized absence or authorised absence in excess of 180 days shall constitute a break which will have the effect of forfeiting all past service for the grant of gratuity.

5. Learned counsel for the applicant, in counter, relied upon the rejoinder, specially pages 47 and 48. At page-47 of the rejoinder, details of leave availed of and the grounds therefor have been mentioned, specially the period for which medical certificates had been furnished. Learned counsel for the applicant also submitted that in supersession of the letter dated 24.1.79, it has been decided that ex-gratia gratuity may be paid to ED Agents who quit service on account of medical grounds without relevance to the age, provided the other conditions



for grant of gratuity such as minimum qualifying service etc. are fulfilled.

6. I have heard learned counsel for the parties and gone through the records. I find that in this case the respondents have not decided the representation of the applicant dated 4.10.2004 (Ann.A/5) by giving specific reason regarding the fact as to how and why applicant's absence from duty was unauthorized specially when medical certificates had been furnished in support thereof. The respondents are required to furnish complete details of the authorised/unauthorized leave alongwith the specific orders passed by them. The respondents should make specific mention of the authorised/unauthorized period of absence while deciding the representation of the applicant and they should also make a specific mention of the order passed by the Assistant Superintendent of Post Offices, Dausa, which is contrary to rules, and passing of fresh order denying the benefit of ex-gratia gratuity and severance allowance.

7. As representation of the applicant dated 4.10.2004 (Ann.A/5) had not been decided by the respondents, the respondents are directed to decide the same within three months from the date of receipt of a copy of this order. The applicant is also at liberty to make a fresh representation, if he so chooses, within a month from the date of this order and the respondents are directed to decide the said representation within a period of two months from the date of receipt thereof, if filed within the specified period.

8. With these observations, the OA stands disposed of. No order as to costs.

  
(B.L. KHATRI)  
MEMBER (A)