

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

* * *

Date of Decision: 29.6.95.

OA 239/95

Hari Ram Verma, Ex Sub Post Master, Govindgarh, r/o Village and Post Office Samooochi, via Kherli, District Alwar.

... APPLICANT.

VERSUS

1. Union of India through the Secretary, Ministry of Posts, Department of Posts, New Delhi. The Chief Post Master General, Rajasthan Circle, Jaipur.
3. The Sr. Supdt. of Post Offices, Alwar Division, Alwar.

... RESPONDENTS.

CORAM:

HON'BLE MR. O.P. SHARMA, MEMBER (A)
HON'BLE MR. FATTAN PRAKASH, MEMBER (J)

For the Applicant ... SHRI MAHENDRA SHAH.

For the Respondents ---

O R D E R

PER HON'BLE MR. O.P. SHARMA, MEMBER (A)

In this application u/s 19 of the Administrative Tribunals Act, 1985, Shri Hari Ram Verma has prayed that the respondents may be directed to release the pension, DCPG, commutation of pension, leave encashment and non-payment of medical bills to the applicant, who has retired from service on 30.9.94, with interest @ 24% per annum.

2. The applicant's case is that before his retirement disciplinary proceedings u/r 16 of the CCS (CCA) Rules, 1965 were initiated against him on 10.8.91 by service of a statement

of imputation. He was also placed under suspension earlier by order dated 5.9.94 on the ground that he had been detained in custody on 17.8.94 for a period exceeding 48 hours. Vide Annexure A-4 the said order of suspension was, however, revoked. The applicant retired from service on 30.9.94. The applicant earlier submitted a representation dt 14.9.94 against the action proposed against him u/r 16 of the CCS (CCA) Rules.

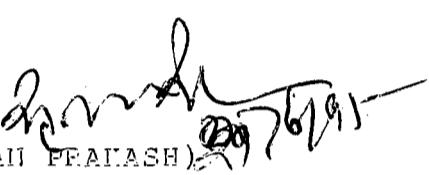
Thereafter, respondent No.3 by order dated 30.9.94/6.10.94 imposed on him the minor penalty of censure vide Annexure A-7. Thereafter, provisional pension was paid to the applicant upto 31.3.95 but no such provisional pension has been paid to him thereafter. Other pensionary dues of the applicant have not been released and he is facing extreme hardship.

3. During the arguments, the learned counsel for the applicant drew our attention to various representations and telegrams sent to the respondents requesting them to release the pensionary dues of the applicant. He has particularly drawn our attention to Annexure A-13, which is a reminder with regard to the earlier telegrams and representations and also contains some details with regard to his grievance. He has prayed that the respondents may be directed to take a decision on the representation of the applicant dated 24.9.95 and release the pensionary dues to the applicant now that the disciplinary proceedings have been finalised and these have culminated in imposition of only a minor penalty of censure, which should not be a bar to release of regular pension and other pensionary benefits to the applicant now.

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4. In the circumstances, we direct the respondents to take a decision on the representation of the applicant Annexure A-13 dated 24.9.95 within a period of 45 days from the date of receipt of a copy of this order, on merits, after considering all the facts and circumstances of the case in an objective manner and in accordance with rules. Let a copy of the paper book also be sent to the respondents to enable them to take a decision on the representation of the applicant. The OA is disposed of accordingly at the admission stage.


(PATTAN PRakash)
MEMBER (J)


(O.P. SHARMA)
MEMBER (A)

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