

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORIGINAL APPLICATION NO. 291/00840/2016

DATE OF ORDER: 15.12.2016

CORAM

HON'BLE MS. MEENAKSHI HOOJA, ADMINISTRATIVE MEMBER

Shailendra Prakash Malewar S/o Shri Balveer Singh, aged about 58 years, R/o 6-C-17, Mahaveer Nagar Extension Scheme, Kota (Rajasthan).

....Applicant

Mr. Arun Sharma, counsel for applicant.

VERSUS

1. Union of India through the Secretary Department of Post, Dak Tar Bhawan, New Delhi.
2. The Chief Post Master General, Rajasthan Circle, Jaipur.
3. Senior Superintendent of Post Offices, Kota, Rajasthan.

....Respondents

ORDER

This Original Application has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 for grant of retiral/pensionary benefits and thereby seeking the following reliefs: -

"It is therefore, humbly and respectfully prayed that this application may kindly be accepted and allowed and the respondents may kindly be ordered to release all the monetary dues accrued in favour of the humble applicant in terms of his pension and other retiral benefits.


Any other appropriate relief which this Hon'ble Tribunal deems fit in the interest of justice in the facts and circumstances of the case in favour of the applicant may kindly be passed."

2. Heard. Counsel for applicant submits that the applicant was initially given the penalty of dismissal from service vide order dated 28.02.2001 (Annexure A/1) and the same was upheld in the appeal but in the revision petition decided by the Chief Postmaster General,

Rajasthan Circle, Jaipur on 15th July, 2003 (Annexure A/3), the penalty was modified to compulsory retirement from service. Thereafter vide order dated 03.06.2016 the criminal court also acquitted the applicant though with benefit of doubt. Keeping in view his penalty of compulsory retirement and subsequent acquittal in the criminal case, the applicant made a representation dated 03.08.2016 (Annexure A/7) for releasing his retiral/pensionary benefits but the respondents have not acceded to his request and the representation has also not been decided so far. At this stage, counsel for applicant submits that he would be satisfied if a direction is given to the respondents to consider and decide the representation dated 03.08.2016 (Annexure A/7) at the earliest and release his due retiral/pensionary benefits.

3. In view of the submissions made by the counsel for applicant, it is deemed appropriate to dispose of this O.A. at the admission stage itself without going into the merits of the case lest it prejudice the case of either side, directing the respondents to consider and decide the representation of the applicant dated 03.08.2016 (Annexure A/7) in accordance with the law within a period of two months from the date of receipt of a copy of this order.

4. At this stage, counsel for applicant submits that the applicant may also be given liberty to file a fresh O.A. in case of any adverse orders passed by the respondents. The same is allowed.



5. In view of the limited relief being granted, the requirement of issuing notices to the respondents is dispensed with.

Accordingly, the Original Application is disposed of with no order as to costs.



(MS. MEENAKSHI HOOJA)
ADMINISTRATIVE MEMBER

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