

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 741 of 2003

Jabalpur, this the                      day of April, 2004

Hon'ble Shri M.P. Singh, Vice Chairman  
Hon'ble Shri Madan Mohan, Judicial Member

G.L. Nayak, Aged about 65 years,  
S/o. Late Nanhoolal Nayak Retd. Sorting  
Asstt. Railway Postal Services, R/o.  
450, Narayan Nagar, Rani Durgawati Ward,  
Gulāua Chowk, Jabalpur.

... Applicant

(By Advocate - Shri S.K. Nagpal)

V e r s u s

1. Union of India,  
through : The Secretary,  
Department of Post (India)  
Railway, Mail Service,  
New Delhi.

2. Director General, Postal Services,  
Dak Bhawan, New Delhi.

3. The Superintendent, RMS  
Department of Post, Jabalpur  
Division, Jabalpur.

4. The Director of Accounts, (Post),  
Bhopal.

... Respondents

Shri  
(By Advocate - K.N. Pethla)

O R D E R

By Madan Mohan, Judicial Member -

By filing this Original Application the applicant has  
claimed the following main reliefs :


"i) to pay commuted value of 40% of final pension  
as permissible under the rules."

2. The brief facts of the case are that the applicant  
was working as Sorting Assistant under the respondents since  
January, 1968. On attaining the age of superannuation the  
applicant retired from service on 28.2.1998 (Annexure A-1).  
Due to misfortune of the applicant he was implicated in a  
false case of alleged theft of a Railway Parcel for which a

FIR was lodged on 25.10.1983. The applicant was not present on duty on the date, When the said parcel was booked. He was on leave on medical grounds for the period from 20.8.83 to 31.10.83. A criminal case No.1208/98 was registered in the Court of Judicial Magistrate Ist Class, Katni against the applicant and other accused person and vide order dated 15.3.2000(Annexure-A-2) both the person were acquitted. The applicant has now retired from service attaining the age of superannuation, but his retirement benefits viz.Gratuity, commuted value of pension were not paid to the applicant. The applicant was only paid the provisional pension. The competent authority vide order dated 5.3.2003 has accorded sanction for payment of gratuity amount due to the applicant. However, no orders have been passed for payment of commuted value of pension as permissible under the rules. Since the applicant had been acquitted in the criminal case, there was no justification for further delay in payment of gratuity and other retiral benefits. Aggrieved by this the applicant has preferred this Original Application seeking the aforesaid relief.

3. Heard the learned counsel for the applicant and respondents.

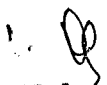
4. It is argued on behalf of the applicant that he was acquitted in the criminal case vide order dated 15.3.2000. The applicant retired from service on attaining the age of superannuation on 28.2.1998. Since the respondents have delayed the payment of retiral benefits the applicant was compelled to serve a legal notice dated 4.2.2003 to the respondents. But still now the respondents have not yet taken



any decision on the same.

5. In the circumstances, without going into the merits of the case and on the consent of the learned counsel for the applicant and respondents, ends of justice would be met if we direct the respondents to consider the representations and legal notice of the applicant from Annexure A-5 to Annexure A-9, within a period of two months from the date of receipt of copy of this order. We do so accordingly. The applicant is directed to send a copy of this order alongwith the copy of the Original Application within a period of 15 days from the date of receipt of copy of this order to the respondents.

6. Accordingly, the Original Application stands disposed of. No costs.

  
(Madan Mohan)  
Judicial Member

  
(M.P. Singh)  
Vice Chairman

"SA"

*Filed  
ms  
15.4.07*

पृष्ठकल सं ओ/व्य... जयपुर, दि.....

परिचय... के लिए...

(1) सचिव, जयपुर नगरपालिका, जयपुर

(2) अध्यक्ष, जयपुर नगरपालिका, जयपुर

(3) सदस्य, जयपुर नगरपालिका, जयपुर

(4) जयपुर नगरपालिका, जयपुर

सूचना एवं आवश्यक कार्यवाही हेतु

उप रजिस्ट्रार

*SK Nagpal*

*KN Pethia*

*Signature*