

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No.72 of 2002

Jabalpur, this the 30th day of October, 2003

Hon'ble Shri M.P.Singh, Vice Chairman (A)
Hon'ble Shri G.Shanthappa, Judicial Member

Radhelal Sahu, S/o late Shri Madhav Prasad,
aged about 65 years R/o Gram Post:Karaundi,
Tahsil Shahpura, District Dindori (M.P.) - APPLICANT

(By Advocate-Shri V.Tripathi)

Versus

1. Union of India, through its Secretary,
Ministry of Communication, Department of
Post, Dak Bhawan, New Delhi.
2. Chief Post Master General, M.P.Circle,
Bhopal (M.P.).
3. Post Master General, Raipur Region,
Raipur (C.G.).
4. Superintendent, Post Offices, Balaghat(MP) - RESPONDENTS
(By Advocate-Shri Om Namdeo on behalf of Shri S.P.Singh)

O R D E R (Oral)

By M.P.Singh, Vice Chairman (Admnv.)-

In this application the applicant has sought directions to pay retiral dues in accordance with rules within a stipulated time and also interest thereon at the rate of 12% per annum.

2. The brief undisputed facts of the case are that the applicant was working as Extra Departmental Mail Career (for short 'EDMC'). He retired on attaining the age of superannuation on 31.7.2000. The amount of retiral dues were not paid to the applicant by the respondents immediately on his retirement. The respondents have contended that there ^{were} ~~was~~ certain complaints about his age at the time of retirement and the applicant was asked to submit certain proof about the validity of his age. The applicant had delayed submission of this information which could be submitted by him only on 18.2.2002. Hence the retiral dues could not be paid to him in time. According to them, the

applicant himself was responsible for delaying² in payment of his retiral dues. The retiral dues have ultimately been paid to him on 8.4.2002. According to the respondents the applicant being an EDMC was only entitled for ex-gratia gratuity amount and severance amount, and as the same have been paid to him, this OA is liable to be dismissed.

3. As per Govt. of India, Department of Pension & Pensioners Welfare O.M.No.F.7/1/93-P.&P.W.(F) dated the 25th August, 1994 reproduced as Govt. of India's instruction below Rule 68 of the Central Civil Services (Pension) Rules, 1972 "Where payment of DCRG has been delayed beyond three months from the date of retirement, an interest at the rate applicable to GPF deposits will be paid to retired/dependants of deceased Government servants". It is an admitted fact in the instant case that the applicant superannuated on 31.7.2000 and the amount of ex-gratia gratuity was paid to him on 8.4.2002 as such he is entitled for the interest on the same terms as stated in the aforesaid OM of the Govt. of India. As regards interest on other allowance, he is not entitled as per rules.

4. In view of the above, this OA is partly allowed with the applicant a direction to the respondents to pay the interest on the terms and amount of ex-gratia gratuity on the same analogy as has been directed in the aforesaid OM dated 25.8.1994, within a period of three months from the date of communication of this order. No costs.

(G. Shanthappa)
Judicial Member

(M.P. Singh)
Vice Chairman (Admnv)

rkv.

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S. Paul, Admn.
SP Singh, Admn.

Received
4/11/03

4.11.03