

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

Jaipur, this the 7th day of April, 2011

Original Application No.219/2009

CORAM:

HON'BLE MR. JUSTICE K.S.RATHORE, MEMBER (JUDL.)

Radhey Shyam Naruka
s/o Shri Dara Singh,
r/o Village and Post Jawali
via Laxmangarh, Distt Alwar,
retired from the post of Mail Overseer-II,
Rajgarh Sub Post Office,
Distt. Alwar on 30.6.2005.

.. Applicant

(By Advocate: Shri C.B.Sharma)

Versus

1. Union of India
through its Secretary to the Govt. of India,
Department of Posts,
Ministry of Communication and
Information Technology,
Dak Bhawan,Sansad Marg,
Delhi- 110 001.
2. Chief Post Master General,
Rajasthan Circle,
Jaipur
3. Senior Superintendent of Post Offices,
Alwar Postal Division,
Alwar.

.. Respondents

(By Advocate: Shri Gaurav Jain)

ORDER (ORAL)

Brief facts of the case are that the applicant was substantive employee of the respondent department while working on the post of Mail Overseer Grade-II, Rajgarh Post Office, District Alwar after posting from the post of Postman in the year 1996 and held the post upto superannuation on 30.6.2005.

2. The applicant was served a major penalty charge-sheet under Rule 14 of the CCS (CCA) Rules, 1965 vide memo dated 7.4.2005 on the allegations that the applicant submitted weekly diaries after due dates and also not remained at Headquarter as ordered on Saturday and further also not helped in the investigations of fraud took place at Rajgarh RS Sub Post Office.

3. It is not disputed that the applicant faced enquiry proceedings after retirement under Rule 9 of the CCS (Pension) Rules, 1972 and thereafter the Enquiry Officer submitted his report in the month of November, 2007. The allegations leveled against the applicant were for the period just prior to two months of his retirement and after retirement the respondents not allowed pensionary benefits to the applicant except provisional pension.

4. Since the matter was not finalized by the respondents upto 2007 then the applicant approached this Tribunal by way of filing OA No.432/2007. This Tribunal disposed of the OA at admission stage vide order dated 12.12.2007 with the direction to take follow up action within three months. Since the respondents have not completed the enquiry within three months, as directed by this



Tribunal, therefore, Contempt Petition No.33/2008 was filed and during the pendency of the Contempt Petition, respondent No.1 vide order dated 13.8.2008 dropped the proceedings.

5. The only controversy now in the present OA is that the enquiry proceedings were dropped vide order dated 13.8.2008 and payment of retiral benefits was made by the respondents on 5.9.2008 and now by way of the present OA, the applicant is seeking interest on delayed payment at the rate of 12% for the period from 1.8.2005 to 4.9.2005 by quashing letter dated 3.11.2008 (Ann.A/1).

6. We have perused the material available on record and having heard the rival submissions of the respective parties, it is not disputed that the applicant after attaining the age of superannuation retired on 30.6.2005 and the enquiry was initiated before retirement and was only dropped vide order dated 13.8.2008 and within a period of one month, the respondents made payment of the retiral benefits. It is to be examined whether the applicant is entitled for the interest at the rate of 12% for the period from 1.8.2005 to 4.9.2008 or not.

7. The case of the applicant was thoroughly examined by the respondents. As the President being the Disciplinary Authority and after considering with reference to the provisions of Rule 9 to CCS (Pension) Rules, 1972 directed to drop the proceedings against the applicant as the charges leveled against the retired charged official (applicant) cannot be construed as grade misconduct. On receipt of the presidential order, the Senior Superintendent of Post

A handwritten signature in black ink, appearing to read 'P' or 'P.S.' followed by a stylized surname.

Offices, Alwar took necessary steps to finalize the pension/DCRG/Commutation case of the applicant and sent complete case to Director Accounts (postal), Jaipur for issuing necessary approval and Director Accounts (Postal) issued approval for payment of DCRG/Commutation on 5.9.2008 and payment was made to the applicant on same day i.e. 5.9.2008. Considering this fact into account, there is no delay in releasing the pensionary benefits to the applicant after receipt of decision of the competent authority on the disciplinary proceeding.

8. Thus, in my considered view, the applicant is not entitled for any interest as claimed by him. It also appears that without representing before the respondents, the applicant directly approached this Tribunal.

9. Accordingly, the OA stands disposed of as observed hereinabove with no order as to costs.

K.S. Rathore
(JUSTICE K.S.RATHORE)
Judl. Member

R/