

**THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR
ORDER SHEET**

APPLICATION NO.: _____

Applicant (S)

Respondent (S)

Advocate for Applicant (S)

Advocate for Respondent (S)

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

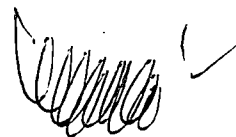
06.10.2009

OA No. 432/2009

Mr. P.N. Jatti, Counsel for applicant.

Heard learned counsel for the applicant.

For the reasons dictated separately, the OA is disposed of.



(M.L. CHAUHAN)
MEMBER (J)

AHQ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 06th October, 2009

ORIGINAL APPLICATION NO. 432/2009

CORAM:

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER

Hari Ram Nakela son of Shri Ramswaroop Nakela by caste Tamoli, aged about 60 years, resident of Bhagwati Colony Bayana. Presently retired as APM from Madangan- Kishangarh Post Office.

.....APPLICANT

(By Advocate: Mr. P.N. Jatti)

VERSUS

1. Union of India through the Secretary to the Government of India, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi.
2. Chief Postmaster General, Rajasthan Circle, Jaipur.
3. Senior Superintendent of Post Offices, Ajmer Division, Ajmer.

.....RESPONDENTS

(By Advocate: -----)

ORDER (ORAL)

The grievance of the applicant in this case is that although he has been voluntarily retired from service w.e.f. 15.02.2009, the respondents have not paid any retiral benefits to him. It is under these circumstances, the applicant has prayed that respondents may be directed to give him retiral benefits in an early date.

2. I have heard the learned counsel for the applicant at admission stage. Fact remain that the applicant retired from service w.e.f. 15.02.2009. The period of about more than seven months has already lapsed. The competent authority has not ensured the payment of the

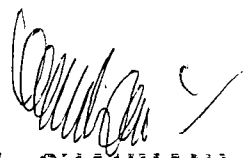
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retiral benefits to the applicant. According to me, the action of the respondents in not granting pensionary benefits to the applicant is arbitrary and against the Rules and in case there was any difficulty regarding payment of regular pension/ pensionary benefits to the applicant, the Head of the Office should have considered the feasibility of sanctioning provisional pension and provisional gratuity to the applicant in terms of Rule 64 of CCS (Pension) Rules even though Rule 64 of Pensional Rules was not *in stricto-sensu* applicable in the case of voluntary retirement. Admittedly, Head of the office has not exercised his power, which was vested to him in terms of Rule 64 of CCS (Pension) Rules. Accordingly, I am of the view that it is a case where direction can be given to the Head of the Office to settle the claim of the applicant regarding pensionary benefits immediately and in case it is not possible to grant regular pension and gratuity to the applicant, he shall sanction provisional pension and gratuity in terms of Rule 64 of CCS (Pension) Rules. Accordingly, Head of the Office is directed to ensure that Pension Payment Order and amount of gratuity etc. is paid to the applicant in terms of the observations made above within a period of six weeks failing which the applicant shall be entitled to interest @ 8% per annum. The applicant is also directed to appear before Head of Office within ten days alongwith a copy of this order for the purpose of rendering any assistance, if any, who shall ensure settlement of his retiral benefits. Head of the Office is directed to take necessary in that behalf. Respondent no. 3 is directed to issue necessary direction to Head of Office to settle the claim of the applicant in terms of the observations made above. The aforesaid directions have been issued in the interest of justice as further delay in

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cutting the claim of the applicant will result into payment of interest from Government Ex-chequer (Rule 68) and also in view of provisions contained in Pension Rules, which stipulates that retired person should get pension from the date of his retirement. Even the person against whom judicial/departmental proceedings are pending, such person is also entitled to provisional pension (Rule 64).

3. With these observations, the OA shall stand disposed of at admission stage.


(M.L. CHAUHAN)
MEMBER (J)

AHQ