IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

JAIPUR, this the 12th day of August, 2010

Original Application No. 374/2010

CORAM:

HON'BLE MR. M.L.CHAUHAN, MEMBER (JUDL.)

Indra Singh
s/o Shri Het Singh Panwar,
r/o Pratap Nagar Colony,
Near Nagar Palika,
Dholpur, retired from the post of
Sub Post Master (BCR, PA),
Udai Bhanganj, Sub Post Office,
Dholpur.

.. Applicant

(By Advocate: Shri C.B.Sharma)

Versus

1. The Union of India
   through its Secretary
   to the Government of India,
   Department of Posts,
   Ministry of Communications and
   Information Technology,
   Dak Bhawan,
   New Delhi.

2. Chief Post Master General,
   Rajasthan circle,
   Jaipur.

3. Superintendent of Post Offices,
   Dholpur Postal Division,
   Dholpur.

4. Tehsildar,
   Tehsil Dholpur,
   District Dholpur.

5. Tehsildar,
   Tehsil Sapau,
   District Dholpur.

... Respondents

(By Advocate: .....)

ORDER (ORAL)

The applicant has filed this OA thereby praying for the following reliefs:

I) That the respondents be directed to release retirement benefits i.e. amount of commutation and gratuity along with interest from the date of due i.e. 01/05/2007 to till payment by quashing letter dated 01/07/2010 (Annexure-A/1) with all consequential benefits.

II) That respondent No.3 be further directed not to initiate any action against the applicant by way of FIR and through Revenue Authorities by quashing letter dated 19/05/2010 (Annexure-A/2) with the further direction to respondent No. 4 & 5 not to act upon letter dated 19/05/2010 (Annexure-A/2) with all consequential benefits.

III) That the respondents be further directed not to harass the applicant and not to involve the applicant in any matter after retirement.

IV) Any other order/direction of relief may be granted in favour of the applicant which may be deemed just and proper under the facts and circumstances of the case.

V) That the costs of this application may be awarded."

2. As can be seen from Para-1 of the OA, grievance of the applicant is against letter dated 1.7.2010 by which the applicant has been asked to deposit a sum of Rs. 3 lakhs plus interest on account of wrong payment of Kishan Vikas Patra even after holder of the same has expired prior to payment and the department sustained

loss. The applicant has also made grievance regarding the action taken by respondent No.3 by lodging FIR against the applicant before the local police and further grievance is regarding letter dated 19.5.2010 directing the revenue authorities to inform the particulars of movable and immovable property. The applicant has also made grievance regarding not releasing retiral benefits to the applicant.

3. Briefly stated, facts of the case are that the applicant while holding the post of Sub-Post Master, (BCR, PA) Udai Bhanganj, Sub Post Office, Dholpur retired on superannuation on 30.4.2007. From the material place on record, it is evident that the department has also lodged FIR against the applicant as well as other two persons vide letter dated 12.4.99 and the local police has also put up a challan in the court which is pending at Dholpur. As can be seen from the prayer clause, the applicant has sought relief on three counts. First prayer made by the applicant is that respondents may be directed to release retiral benefits with interest by quashing letter dated 1.7.2010 (Ann.A/1) with all consequential benefits. It may be stated here that the pensionary benefit to the applicant has not been stopped on the basis of letter dated 1.7.2010 (Ann.A/1) but the same appears to have been withheld on account of criminal proceedings pending against the applicant before the Trial Court at Dholpur. Such a course was permissible to the respondents in terms of the provisions contained in Rule 69 of the CCS (Pension) Rules, 1972 which specifically stipulate that a Government servant shall be entitled to provisional pension but no gratuity shall be paid to the

Government servant until conclusion of the departmental/judicial proceedings. Further, as can be seen from Ann.A/1, the same cannot and has not been made basis for denying the pensionary benefits to the applicant as the applicant stood retired on 30.4.2007 whereas the so called order has been issued on 1.7.2010. Further, as can be seen from the contents of the letter dated 1.7.2010, the applicant cannot be said to be aggrieved person, inasmuch as, by this order the applicant has been intimated that the department has sustained loss of Rs. 3 lakhs plus interest and he can deposit the same on his own volition. The applicant cannot be said to be an aggrieved person within the meaning of Section 19 of the Administrative Tribunals Act, 1985 and it is only the aggrieved person who can file application before the Tribunal. I am saying so because the applicant has not suffered any legal grievance on the basis of Ann.A/1. What Ann.A/1 mentions is that the applicant may voluntarily deposit a sum of Rs. 3 lakhs plus interest. Thus, it cannot be said to be an order whereby the applicant has been deprived of something or something has been refused wrongly to him in order to show that the applicant has suffered a legal grievance. It is open for the applicant to ignore this letter, which is not of a binding nature.

4. Be that as it may, since in this OA the applicant has form letter dated 1.7.2010 the basis for not granting retiral benefits which has been issued after more than three years from the date of retirement of the applicant, I am of the firm view that the respondents have not withheld the retiral benefits of the applicant on the basis of letter dated 1.7.2010, but denied the same to the

applicant on account of judicial/criminal proceedings pending against him pursuant to the FIR lodged by respondent No.3.

5. So far as relief No. ii) is concerned, this Tribunal cannot issue any direction to the authorities not to act upon the FIR lodged against the applicant and direction to respondent No. 4 and 5 not to act upon the letter dated 19.5.2010 (Ann.A/2) whereby respondent No.4 and 5 have been directed to provide details of movable and immovable property of the applicant, being not a service matter. Definition of service matter found in Section 3(q) of the Administrative Tribunals Act show that service matters in relation to a person means all service matters relating to the conditions of his service. Section 3(b) defines 'application' means application made under Section 19. The later section refers to person aggrieved. In order to bring a matter before the Tribunal an application has to be made and the same can be made only by a person aggrieved by any order pertaining to any matter within the jurisdiction of the Tribunal. Admittedly, the grievance made by the applicant regarding not initiating FIR against him and further that respondent No. 4 and 5 should not act upon request of the department to supply details of movable and immovable property of the applicant cannot be said to be a service matter falling under the jurisdiction of the Tribunal. As such, no relief can be granted to the applicant qua this aspect also being outside the preview of the provisions contained under Administrative Tribunals Act, 1985.

6. Similarly, the third prayer made by the applicant that respondents may be directed not to harass the applicant and not to

involve the applicant in any matter after retirement also cannot be said to be service matter falling within the jurisdiction of this Tribunal. In case the applicant is aggrieved about the grievance raised under prayer clause ii) and iii), the remedy, if any, lies elsewhere and not before this Tribunal.

7. Accordingly, the OA being bereft of merit is dismissed at admission stage.

(M.L.CHAUHAN)
Judl. Member

R/