

**CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH**

OA/310/01289/2018

Dated Friday the 28th day of September, Two Thousand Eighteen

PRESENT

Hon'ble Mr. R.Ramanujam, Member(A)

M.S.Baghyaroopa,
W/o Late G.Muralidharan,
B 36, Meenakshi Nagar,
Kovaipudur,
Coimbatore 641 002. .. Applicant

By Advocate M/s Balan Haridas

Vs.

1. The Union of India, rep by
Department of Post, rep. by
its Director of Postal Service,
Western Region – TN,
Coimbatore 641 002.

2. The Postmaster General,
Department of Post,
Western Region-TN,
R.S.Puram, Coimbatore 641 002.

3. Senior Superintendent of Post Offices,
Coimbatore Division,
Coimbatore 641 001.

4. Senior Post Master,
Coimbatore HO,
Department of Posts,
Coimbatore 641 001. .. Respondents

By Advocate Mr.Su.Srinivasan

ORDER**Pronounced by Hon'ble Mr.R.Ramanujam, Member(A)**

Heard. The applicant has filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:

"(a)To quash the order of the 4th Respondent bearing memo No.Postal Fam.55940/Dlgs dated 08.06.2018 in so far as fixing the family pension on the lower side without taking full service of the applicant's husband and without taking into account of the increments to be given during the period of suspension and without revising the pay pursuant to the VII Pay Commission Recommendation and the order of the 3rd respondent bearing Memo No.C/371/GM/FP/2017 dated Nil.06.2018 in so far as arriving at the gratuity payable on the lower side and effecting recovery of Rs.3,98,103/- on the alleged ground of loss caused by the applicant's husband is illegal, arbitrary and contrary to law and

(b) consequently direct the respondents to refix the pay of the applicant's husband D.Muralidharan by taking into account of the entire period of service including the period of suspension by extending the due increment for the period of suspension and by fixing the pay by implementing the recommendation of the VI Pay Commission as implemented in the case of the other employees and on that basis revise the terminal benefits of the applicant's husband such as death gratuity, family pension etc., and

(c)pass such other orders or directions as this Hon'ble Court think fit and proper in the circumstances of the case."

2. The applicant is aggrieved by Annexure A-11 order by which applicant's late husband Shri G.Muralidharan's gratuity had been paid to her after deducting an amount of Rs.3,98,103/- allegedly on account of her late husband being the main offender in a fraud case at Kovaiputhur SPO, wherein his share of loss caused to the respondents by such fraud was arrived at as Rs.3,98,103. It is submitted that no enquiry was pending against the applicant's husband at the time of his death and there was no previous order

with or without enquiry regarding the share of loss attributable to the applicant's husband on account of the alleged fraud. Accordingly, the deduction of the said amount from the applicant's gratuity was wholly unauthorized and arbitrary, it is contended.

3. Learned counsel for the applicant would further allege that the applicant was placed under suspension for a period of two years previously with regard to some other charge which was quashed by this Tribunal and accordingly the applicant was entitled to be paid full salary and allowances for the period of suspension. The respondents had also not complied with the order of the Tribunal on account of which all the amounts due to the applicant's late husband had not been paid to the applicant. In this regard, Annexure A-13 a legal notice dated 21.07.2018 was sent to the competent authority who had not responded to the same. In such circumstances, it is submitted that the applicant would be satisfied if she is allowed to make a detailed representation and the respondents directed to pass a reasoned and speaking order in terms of the facts of the case within a time limit to be set by the Tribunal.

4. Mr.Su.Srinivasan, Senior Central Government Standing Counsel takes notice on behalf of the respondents.

5. Keeping in view the above submission and without going into the substantive merits of the case, the applicant is permitted to make a comprehensive representation to the competent authority regarding her grievance with supporting documents if any, within a period of two weeks from the date of receipt of a copy of this order. On receipt of

such representation, the competent authority shall pass a detailed and speaking order with respect to every point raised in the representation so as to satisfy the applicant that the amounts not paid/deductions made were fair and just and also in accordance with the relevant rules, within a period of four weeks from the date of receipt of a copy of this order.

6. OA is disposed of at the admission stage.

(R.Ramanujam)
Member(A)
28.09.2018

M.T.