

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

Original Application No.200/00202/2017

Jabalpur, this Friday, the 24th day of August, 2018

HON'BLE MR. NAVIN TANDON, ADMINISTRATIVE MEMBER
HON'BLE MR. RAMESH SINGH THAKUR, JUDICIAL MEMBER

Gulab Chand Verma, aged 43 years, S/o Shri Ram Naresh Verma,
Junior Accounts Officer, O/o Telecom District Engineer, Bharat
Sanchar Nigam Limited, Panna, R/o C/o R.K. sharma, Tikuria
Mohalla, Panna (M.P.) 488001 **-Applicant**

(By Advocate – Shri Atul Choudhary)

V e r s u s

1. Union of India through its Secretary, Department of Post, Dak Bhavan, Sansad Marg, New Delhi 110001.
2. Director of Accounts (Postal), Ali Ganj, UP Circle, Lucknow-1 (U.P) 226024.
3. Senior Superintendent, Post Office Deoria, Division Deoria (U.P.) 274001.
4. Superintendent Post Office, Chhattarpur, District Chattarpur (M.P.) 471001 **- Respondents**

(By Advocate – Shri Surendra Pratap Singh)

O R D E R (O R A L)

By Ramesh Singh Thakur, JM.

The applicant has filed this Original Application seeking following reliefs:

“8.1 This Hon’ble Tribunal may be please to direct the respondents to re-fix the pension of the applicant on the basis of the

average emoluments drawn by the applicant in the last 10 months immediately preceding 14.02.2005, during which period the applicant drew salary in the higher pay scale of 6500-10500 till 09.02.2005 and was entitled to draw salary in the pay scale of 4500-7000 from 10.02.2005 to 13.02.2005, and thereafter pay arrears of pension along with interest as charged by the respondents from the applicant i.e. Rs. 3793 for four days, on Rs.433516, that means 45% per annum and continue paying higher pension on monthly basis.

8.2 This Hon'ble Tribunal may be please to direct the respondent to release unduly withheld salary in pay of 4500-7000 due to the applicant for 05.02.2005 and 09.02.2005, Rs. 693 along with interest @ 45% per annum.

8.3 This Hon'ble Tribunal may be please to direct the respondents to refund the unduly recovered amount of Rs.80,269/- (which include leave salary and pension contribution) from the gratuity of the applicant without any legitimated cause along with penal interest.

8.4 This Hon'ble Tribunal may be please to direct the respondent to re-fix gratuity of the applicant and pay the difference arising out thereof by calculating the same on the basis of the average emolument worked out as above said.

8.5 This Hon'ble Tribunal may be please to direct the respondents to release the due amount of gratuity on the basis of the average emolument worked out as above as no gratuity has been paid till date to the applicant despite the incorrect official sanction order dtd 06.12.2006.

8.6 This Hon'ble Tribunal may be please to direct the respondents to release amount due to the applicant on account of the leave encashment along with interest.

8.7 This Hon'ble Tribunal may be pleased to direct the respondents to release the amount due to the applicant GPF under various heads with interest.

8.8 This Hon'ble Tribunal may be please to direct the respondent to grant necessary sanction or family pension as due to the applicant on the CCS (Pension) Rules, 1972 as on such sanction has yet been made by the respondents.”

2. The respondents have filed their reply to the application for condonation of delay. It has been submitted that earlier OA

No.371/2007 was filed by the applicant, which was disposed of with certain directions. Thereafter, the applicant had again approached this Tribunal with the similar relief, as raised in this Original Application, vide OA No.75 of 2010. Vide order dated 06.05.2011 in the said OA No.75 of 2010, it was stated as under:

“Neither the applicant nor his counsel is present even on revised call.

2. The learned counsel for the respondents, Shri Manish Chourasia, submits that the relief sought by the applicant has already been granted to him. As such the present Application has become infructuous. He has filed MA 398/2011 with a view to bring subsequent events on record.

3. In view of the aforesaid, the present Application is dismissed as having become infructuous. Since the applicant is not present, he would have liberty to verify the statement made by the respondents, as aforesaid, and in case, any further grievance still survives in this Application, he will be at liberty to seek revival of the present Application.”

3. Considering the above, we are of the view that this Original Application is not maintainable in the present form, specifically, in view of the fact that this Tribunal has already granted liberty to the applicant to move application for revival of the O.A No.75 of 2010.

4. Resultantly, the O.A is dismissed as not maintainable.

(Ramesh Singh Thakur)
Judicial Member
am/-

(Navin Tandon)
Administrative Member