

(Reserved on 01.05.2018)

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**ALLAHABAD BENCH**  
**ALLAHABAD**

Dated: This the **08<sup>th</sup>** day of **May** 2018

Present:

**HON'BLE DR. MURTAZA ALI, MEMBER-J.**  
**HON'BLE MR. GOKUL CHANDRA PATI, MEMBER-A.**

**C.C.P NO. 330/00039/2017**  
**IN**  
**O.A NO. 330/520/2014**

1. Smt. Uma Saral, aged about 51 years, Wife of Late R.K. Saral.
2. Smt. Shraddha Verma, aged about 27 years, D/o Late R.K. Saran.
3. Subhanshu Verma, aged about 24 years, S/o Late R.K. Saral.
4. Shivanshu Verma, aged about 22 years, S/o Late R.K. Saral.  
(All resident of 247 -A/6-A/7G, Om Gayatri Nagar, Sadiabad, Allahabad)

.....Applicants.

**V E R S U S**

1. Shri P. Sudhakar, Director General Posts, New Delhi - 110011.
2. Shri S.K. Rai, Director of Postal Services, Allahabad, Office of Post Master General, Allahabad Region, Allahabad.
3. Shri Subodh Pratap Singh, Senior Supdt of Post Offices, Allahabad Division, Allahabad - 211001.

..... Opposite Parties

Present for the Applicants : Shri Swayamber Lal

Present for Opposite Parties: Shri L.M. Singh

**ORDER**

**(Delivered by Hon'ble Mr. Gokul Chandra Pati)**

This Contempt Petition has been filed for non-compliance of the order dated 11.11.2016 of this Tribunal in OA No. 520/2014

(Annexure No. 3 to the Contempt Petition), by which the respondents were directed to decide the pensionary dues of the husband of the applicant within two months. In response, the respondents have filed three affidavits of compliance.

2. We have heard Shri S. Lal, learned counsel for the applicants and Shri L.M. Singh, learned counsel for respondents.

3. Learned counsel for the applicants submitted that the applicants have received all the dues except the commuted value of pension of Rs. 4,35,200/- which the respondents are claiming to have disbursed to the late husband of the applicant No. 1, but the same has not been credited to his account. The copy of the bank account pass book has been filed by the applicants' counsel to show that the amount stated to have been disbursed has not been credited to the pass book where all other retirement dues have been credited.

3. Learned counsel for the respondents, on the other hand, pointed out to the copy of the receipt signed by the husband of applicant No. 1, which is enclosed at Annexure No. 1 to the second additional compliance affidavit dated 13.03.2018 filed by the respondents alongwith the copy of the sanction order dated 21.06.2014 for commuted value of pension in favour of the husband of the applicant No. 1.

4. We have carefully perused the second additional compliance affidavit dated 13.03.2018 filed by the respondents. Only dispute remaining in this case is relating to the disbursement of the commuted value of pension. In para 7 of the second additional affidavit, it is stated:-

**“7.....The commuted value has not been sanctioned by DAP Lucknow for want of revised order for promotion under BCR Scheme.”**

But in para 10 of the said affidavit, it is stated: **“commuted value Rs. 4,35,200/- paid on 03.07.2014.”**.

In other words, the contention in both the para are contradictory to each other. This was pointed out in para 12 of the Rejoinder dated 20.11.2017 filed by the applicant. In spite of this specific contention in the Rejoinder, the respondents instead of clarifying the matter, have taken contradictory stand in second additional compliance affidavit.

5. It is also seen that the sanction order copy for commuted value of pension is dated 21.06.2014 and its “Remarks” column states as under:-

**“1. Suitable remarks of payment of commuted value of pension and reduced pension may please be made on both the halves of PPO under proper attestation quoting this letter as authority.**

**2. Separate bill should be prepared for the payment of the commuted value of pension quoting the number and date of this letter as authority and the paid vouchers should be forwarded to this office alongwith Cash A/C return.**

.....”

Further, the mode of payment of Rs. 4,35,200/- to late R.K. Saral has not been mentioned in the copy of the receipt enclosed at Annexure No. 1 to the second additional compliance affidavit dated 13.03.2018 filed by the respondents and the signature of the applicant's husband is dated 03.06.14, where as the date of payment as stated in the affidavit is 03.07.2014.

6. In view of the above discrepancies, we are not able to accept the second additional compliance affidavit dated 13.03.2018 filed by the respondent No.3 and direct the respondent No.2 to conduct an inquiry on the issue and file an affidavit within two months, enclosing proof of payment of Rs. 4,35,200/- towards commuted value of pension to the husband of the applicant No. 1, mode of such payment, the particulars of the bank account to which the amount has been credited and copy of the reports in compliance of the conditions mentioned in para 5 of this order. The applicant's counsel is directed to cooperate with the respondent No.2 for conducting the inquiry, if required. The applicant is also directed to file a short affidavit within 15 days to

clarify whether necessary entry regarding disbursement of commuted value of pension with reduced pension has been made by the respondents on the PPO as stated in para 5 above.

7. List on 31.07.2018.

**Member-A**

**Member-J**

Anand...