

**Central Administrative Tribunal
Principal Bench
New Delhi**

OA No. 2228/2017

New Delhi, this the 11th day of October, 2019

Hon'ble Ms. Aradhana Johri, Member (A)

Jagmal Singh
Aged 62 years
S/o Shri Ramji Lal
Retired Gramin Dak Sevak
Gurgaon Division, Gurgaon
R/o Shop No.51, Sadana Market
Moti Nagar, New Delhi. ... Applicant

(By Advocate :Shri Yogesh Sharma)

Versus

1. Union of India through the Secretary
Ministry of Communication,
Department of Post
Sanchar Bhawan, New Delhi.
2. The Chief Post Master General
Haryana Circle, Amabala.
3. The Superintendent of Post Offices
Gurgaon Division, Gurgaon (Har).
4. The Sub Divisional Inspector (Postal)
East, Gurgaon-122007. ...Respondents

(By Advocate :Shri B.L.Wanchoo)

ORDER (ORAL)

The applicant Shri Jagmal Singh was appointed as a Branch
Postal Master (now Gramin Dak Sevak) on 27.09.1979.
Ultimately, he was posted as Gramin Dak Sevak in Sub Post

Office, DLF-Phase-III, Gurgaon. During his tenure, he had a serious accident on 14.12.2014 wherein he suffered injury due to which he was unable to attend office. He applied for VRS and not getting the response from the respondents, he sent a legal notice on 21.12.2016. This notice was replied to by the Supdt. Of Post Offices, Gurgaon Division (Annexure A-1) stating that no request for VRS has been received from the applicant and further that there is no provision for VRS in the department.

2. At the same time, the Sub-Divisional Inspector (post) East, Gurgaon replied on 16.02.2017 and admitted that an application dated 21.11.2015 is available in the office regarding VRS, which is not sustainable. The applicant has drawn attention to Director General instructions dated 20th February, 1980 wherein the provision of discharge due to physical/mental unfitness is dealt with. This reads as follows :-

"(4) In case of discharge due to physical/mental unfitness. – An ED Agent may be discharged before the age of 65 years if physically or mentally unfit or if he is found to be unfit to discharge the responsibilities placed on him. As regards admissibility of *ex gratia* gratuity to ED Agents thus discharged, the procedure in (1) above may be followed."

3. The respondents have filed a copy of instructions dated 14th December, 1987 which provides that *ex gratia* gratuity may be paid to ED Agents who quit service on account of medical grounds but invalidation should be supported by a certificate issued by a Civil Surgeon.

4. Heard Shri Yogesh Sharma, counsel for the applicant and Shri B.L.Wanchoo, counsel for respondents.
5. Learned counsel for the applicant stated that the provision for certification by Civil Surgeon has not been conveyed by the applicant to the respondents.
6. On the other hand, the learned counsel for respondents has stated that the applicant has not filed any proof of validation as per the extant rule.
7. After having heard both sides, it is directed that the applicant may file necessary proof and papers regarding the treatment of injury suffered by him within four weeks and the respondents shall pass reasoned and speaking order in this matter within a period of two months from the date of receipt of the application and papers from the applicant. Accordingly, the OA is disposed of. No order as to costs.

(Aradhana Johri)
Member (A)

'uma'