

CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

OA/020/01079/2017
Date of Order : 18-06-2019

Between :

A.Seshagiri Rao S/o Venkateswara Rao,
Aged about 61 years, Occ : Retd. Employee,
R/o D.No.10/187-D, Santhinagar, Gudivada,
Krishna Dist,
Andhra Pradesh – 521301.

....Applicant

AND

1. Union of India,
Rep by the Director General,
Department of Posts,
Ministry of Communications & Information
Technology, Dak Bhavan, Sansad Marg,
New Delhi.

2. The Chief Postmaster General,
Andhra Pradesh Circle, Vijayawada,
Andhra Pradesh-520013.

3. Assistant Accounts Officer,
O/o The Chief Postmaster General,
Andhra Pradesh Circle, Vijayawada,
Andhra Pradesh-520013.

...Respondents

Counsel for the Applicant: Mr. M. C. Jacob

Counsel for the Respondents : Mrs. K. Rajitha, Sr. CGSC

CORAM :

THE HON'BLE MRS.NAINI JAYASEELAN, ADMINISTRATIVE MEMBER

(Oral Order per Hon'ble Mrs.Naini Jayaseelan , Administrative Member)

Heard Mr. M. C. Jacob, learned counsel for the applicant and Mrs. K.

Rajitha, learned Senior Central Govt., Standing Counsel for Respondents.

2. The brief facts of the case are that, the applicant joined postal department as a Postal Assistant in the direct recruitment quota on 17.11.1980. Thereafter he was granted TBOP up-gradation on completion of 16 years and promoted to the cadre of LSG with effect from 25.02.2000. Subsequently he was granted promotion to HSG grades. Applicant appeared for the Postal Services Group B selection from 6% General quota and qualified. He was selected and posted in Group B service as Superintendent of Postal Stores Depot at Secunderabad on 25.09.2008.

3. Thereafter, after serving in different locations, the applicant was promoted to Group A of Indian Postal Services on 31.12.2015. While working as Assistant Post Master General (Vigilance) in the office of the 2nd respondent, a show cause notice dated 25.07.2016 was issued to him proposing to revert him to the substantive post withdrawing the Group A and B promotions revising the seniority in LSG cadre. Applicant filed OA No.800/2016 before this Tribunal and an interim stay was granted by order dated 02.08.2016.

4. The applicant superannuated on 31.03.2017 but no retirement benefits were released though his Gratuity calculation order was issued on 21.03.2017. He was granted only provisional pension from 01.04.2017. Based on the orders of the Tribunal in OA No.1209/2016 filed by the similarly situated persons, similar show cause notices issued to others was

ordered to be withdrawn. Thereafter by proceedings dated 19.04.2017 similar action was ordered to be taken in case of the applicant also. The Respondents filed MA to vacate the interim order in OA No.800/2016 and the Tribunal by order dated 11.09.2017 directed to withdraw the show cause notice issued to the applicant referring to the proceedings dated 19.04.2017. In the meanwhile 3rd respondent issued proceeding seeking undertaking from the applicant to release the retirement benefits citing pendency of the OA. The present OA has been filed as inspite of the applicant submitting representation enclosing the order copy in OA on 20.09.2017 no action has been initiated for payment of the pensionary benefits.

5. It is the contention of the learned counsel for the applicant that in accordance with Rule-68 of CCS (Pension) Rules, the applicant is entitled for payment of interest on delayed payment of gratuity/retiral benefits from 01.07.2017 to 23.01.2018 after according a three month period as permissible, since the show cause notice has been withdrawn, and no departmental or judicial proceedings were pending against the applicant therefore there was no reason to withhold the pension/pensionary benefits.

6. Mrs. K. Rajitha, learned Senior Central Govt., Standing Counsel for Respondents reiterated that although the applicant was served with show cause notice dated 25.07.2016, he approached the Tribunal by filing OA No.800/2016 requesting for stay of the show cause notice said Original Application was disposed of vide order dated 11.09.2017 directing the

Respondents to withdraw the show cause notice based on the proceedings dated 19.04.2017 issued by the 1st Respondent.

7. Thereafter, Circle Internal Finance Advisor (CIFA) advised on 02.08.2017 that the respondents to pay the retirement benefits on obtaining an undertaking stating that he will refund / credit the excess paid gratuity arising out of outcome of OA No.800/2016. Aggrieved by the above, the applicant approached this Tribunal which directed the Respondents to release the gratuity which was withheld and the gratuity was finally paid to the applicant on 23.01.2018.

8. The applicant's counsel re-iterated his prayer for payment of interest on withheld DCRG from 01.07.2017 to 23.01.2018 while admitting that all the other retiral benefits have been paid to the applicant, in view of the fact that the applicant is entitled for interest at the prevailing rate of interest on GPF deposits on delayed payment of DCRG with effect from 01.07.2017 to 23.01.2018 as the applicant retired on 31.03.2017.

9. Accordingly this OA is disposed of directing the Respondents to pay interest on the withheld DCRG and other retiral benefits from 01.07.2017 to 23.01.2018 at the prevailing rate of interest on GPF at that relevant point of time, within a period of three months from the date of receipt of a copy of this order.

10. Original Application is disposed of as above. No order as to costs.

(NAINI JAYASEELAN)
ADMINISTRATIVE MEMBER

Dated : 18th June, 2019.
Dictated in Open Court.

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