

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD**

Original Application No.20/318/2018

Date of Order: 26.06.2019

Between:

K. Siddanna, Group –C
S/o Late K. Thimmappa
Aged 60 years, Occ: PA, Anantapur HO
Anantapur District, A.P. Applicant

AND

1. Union of India represented by
The Secretary to the Government of India
Ministry of Communications & IT
New Delhi – 110 001.
2. The Chief Post Master General
A.P.Circle, Vijayawada – 520 003.
3. The Post Master General
Kurnool Region, Kurnool 518 002.
4. The Director Accounts (Postal)
AP & TG Circles, Hyderabad 500 001.
5. The Superintendent of Post Offices
Anantapur Division, KADAPA 516 001.
Anantapur District (AP). ... Respondents

Counsel for the Applicant ... Mr. Atchuthananda D

Counsel for the Respondents ... Mr. A. Surdnder Reddy, Addl. CGSC

CORAM:

Hon'ble Mr. B.V. Sudhakar, Member (Admn.)

ORAL ORDER

{As per Hon'ble Mr. B.V. Sudhakar, Member (Admn.) }

2. The OA is filed challenging the inordinate delay in sanction of regular pension and release of terminal benefits on superannuation.
3. Applicant retired on 31.12.2017 as Postal Assistant from the respondents' organisation. On representing, 4th respondent released provisional pension on 13.3.2018, subject to the outcome of the disciplinary action initiated against the applicant being finalised. Applicant represented for sanction of regular pension and release of terminal benefits but of no avail and, hence, the instant OA.
4. The contentions of the applicant are that there were no disciplinary proceedings or judicial proceedings pending as on the date of retirement and, hence, regular pension and terminal benefits ought to have been released. Holding the same is illegal and against the provision of Rule 69 of the CCS (Pension) Rules, 1972. Applicant cited Hon'ble Supreme Court judgments claiming interest for the delayed payment of pension and terminal benefits.

5. Respondents, in their reply statement, inform that the applicant was proceeded under Rule 14 of the CCS (CCA) Rules, 1965, on 22.7.2016 and penalty of recovery of Rs.5,00,000/- from pay and allowances @ Rs.20,000/- per month for the months 9/2017 to 12/2017 and another sum of Rs.4,20,000/- to be recovered from leave encashment at the time of retirement, was imposed. Applicant has approached this Tribunal by filing OA No.854/2017 for stay of recovery, which was granted as an interim measure on 07.10.2017. Applicant's appeal against the order of recovery was also rejected on 18.1.2018. Accordingly, pension papers were obtained and processed. Respondents are awaiting the visit of the applicant for release of pension and terminal benefits to the applicant after adjusting the amount to be recovered as per disciplinary proceedings.

6. Heard both the counsel and perused the material papers submitted.

7. I) The claim of the applicant that there was no disciplinary case or any judicial proceeding as on the date of retirement is not true. There was a disciplinary case finalised wherein recovery of certain amounts were ordered. Pension papers have been processed and respondents are waiting for the applicant to call on them to release pension and terminal benefits after deducting the amount due as per disciplinary proceedings. Applicant appears to be avoiding to approach the

respondents in view of the deductions that would be effected from the terminal benefits. This is not correct. Rules of the organisation have to be followed. Appeal of the applicant was rejected in regard to recovery. Respondents have acted in time and there is no delay on their part in processing the pension papers. Hence, the question of applying the observation of the Hon'ble Supreme Court, cited by the applicant, in regard to payment of interest for delayed payment does not arise. The non payment and delay in effecting regular pension and terminal benefits is the making of the applicant.

II) Hence in view of the aforesaid, the applicant can approach the respondents and get his pension and terminal benefits as per his convenience. On being approached respondents to release terminal benefits and issue regular pension after effecting recovery in consequence of the disciplinary action as per rules and regulations of the respondents organisation.

III) With the above direction the OA is disposed with no order as to costs.

**(B.V. SUDHAKAR)
MEMBER (ADMN.)**

Dated, the 26th day of June, 2019

nsn