

CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

Original Application No.180/00024/2019

Friday , this the 29th day of November, 2019

Hon'ble Mr. E.K. Bharat Bhushan, Administrative Member

Hon'ble Mr.Ashish Kalia, Judicial Member

1. K.V.Vijayakumaran Nair, S/o.Late N.Vasudevan Pillai, aged 66 years
Gramin Dak Sevak Mail Deliverer (Retd.)
Gokulam House, Perumbaikadu, Parampuzha
Kottayam-686 016
2. C.O.Chacko, S/o.Late Ouseph, aged 65 years
Gramin Dak Sevak Mail Deliverer (Retd.)
Chilampattisseril House, Amalagiri
Kottayam-686 561
3. K.C.Dasan, S/o.Late Kunjan, Aged 65 years
Gramin Dak Sevak Mail Deliverer (Retd.)
Murukalayam, Mulakulam South P.O
Kottayam – 686610
4. P.G.Sasidharan Nair,
S/o.Late Govinda Pillai, Aged 65 years
Gramin Dak Sevak Mail Deliverer (Retd.)

Parupattukuzhiyil House, Mulakulam South
Kottayam – 686 610

5. K.J.Thomas, S/o.K.V.Joseph, Aged 65 years
Gramin Dak Sevak Mail Deliverer (Retd.)
Kulangara House, Villonni P.O
Kottayam – 686008
6. K.K.Sivan, S/o.Kuttan Kochu, aged 66 years
Gramin Dak Sevak Branch Post Master (Retd.)
Kureekattil House, Neendoor P.O
Kottayam – 686601
7. N.A.Joseph, S/o.Late Augustin , Aged 67 years
Gramin Dak Sevak Branch Post Master (Retd.)
Njarolickal House, Ramapuram Bazar
Kottayam – 686 576
8. M.R.Ramankutty, S/o.P.K.Ramankutty, aged 66 years
Gramin Dak Sevak Branch Post Master (Retd.)
Maliyil House, Poovanthuruthu
Kottayam – 686 012
9. K.P.Thomas, S/o.Late Pilo, aged 66 years
Gramin Dak Sevak Sub Post Master (Retd.)
Kuttimaliyil House, Athirampuzha
Kottayam – 686 562
10. K.U.Rajappan, S/o.Kuttappan, Aged 67 years

Gramin Dak Sevak Mail Career (Retd.)
Oonnukallil House, kuriyanad Monipally
Kottayam -686 636

..... **Applicants**

(By Advocate – Mr.C.S.G Nair)

V e r s u s

- 1 Union of India
Represented by its Secretary
Ministry of Communications, Department of Posts
Dak Bhavan, Sansad Marg, New Delhi – 110 001
2. Director General of Posts
Dak Bhavan, Sansad Marg
New Delhi- 110 001
3. Chief Postmaster General
Kerala Circle
Trivandrum -695 033
4. Director of Accounts (Postal)
Kerala Circle
Trivandrum -695 001
5. Senior Superintendent of Post Offices
Kottayam Division
Kottayam – 686 001

..... **Respondents**

(By Advocate – Mr.N.Anilkumar,SCGSC)

This Original Application having been heard on 29.11.2019, the Tribunal on the same day delivered the following:

O R D E R (ORAL)

Per: Mr.E.K.Bharat Bhushan, Administrative Member

The reliefs sought for in the Original Application are as follows:

- “(i) To quash Annexure A3 to the extent it states that revised benefit of GDS Gratuity takes effect from 1.7.2018
- (ii) To declare that the applicants who superannuated between 1.1.2016 and 30.6.2018 are entitled for Gratuity based on the TRCA last drawn after multiplying it by 2.57
- (iii) To direct the respondents to grant arrears of Gratuity to the applicant by multiplying the last drawn TRCA by 2.57 within a time frame
- (iv) To grant such other relief or reliefs that may be prayed for or that are found to be just and proper in the nature and circumstances of the case
- (v) To grant cost of this O.A. ”

2. As pointed out in the reply statement by the respondents and as expressed in Annexure A-3, the impediment in granting the benefits prayed for was the fact that these were having effect from 1.7.2018 onwards only whereas the applicants were not eligible for the same. Now the order at Annexure R-1 has been issued pre-dating the benefits from 1.1.2016 onwards. It is seen that the reliefs sought in the O.A are thus substantially granted. Hence we dispose of the

O.A with a further direction that the benefits accruing out of Annexure R-1 order shall be disbursed to the applicants within two months from the date of receipt of a copy of this order. No costs.

(ASHISH KALIA)
JUDICIAL MEMBER

(E.K.BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER

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List of Annexures

Annexure A1 - True copy of the Press Report about the Cabinet Approval of the recommendations of Kamalesh Chandra Report OM No.17-31/2016-GDS dated 25.6.2018 issued by the 1st respondent

Annexure A2 - True copy of the OM No.17-31/2016-GDS dated 25.6.2018 issued by the 1st respondent

Annexure A3 - True copy of OM No.17-31/2016-GDS dated 27.6.2018 issued by the 1st respondent, to the extent it states that revised benefits of GDS, Gratuity takes effect from 1.7.2018 instead of 1.1.2016

Annexure A4 - True copy of the Judgment in Union of India and others Vs. Balbir Singh Turn and another (Civil Appeal Diary No.3744 of 2016 dated 8.12.2017)

Annexure A5 - True copy of the judgment in M.P Joseph Vs.Union of India Writ Petition No.1763/2013 dated 15.10.2018

Annexure A6 - True copy of the Unstarred question No.1379 and answer given in the Lok Sabha on 25.7.2018

Annexure A7 - True copy of the representation dated 18.9.2018

Annexure R1 - True copy of the Postal Directorate OM No.17-31/2016-GDS dated 1.7.2019

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