

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A No. 180/00364/2022

Wednesday, this the 13th day of July, 2022.

CORAM:

HON'BLE Mr. K.V. EAPEN, ADMINISTRATIVE MEMBER

L. Ushadevi, 62 years,
W/o. Ayyakutty,
(Retired Postmaster, Charumoodu P.O., Pin - 690 506,
Mavelikkara Postal Division.)
Residing at "Sreyas", T.P. Centre, Harippad (P.O.),
Alappuzha District, Pin – 690 514. - Applicant

[By Advocate : Mr. T. C. Govindaswamy]

Versus

1. Union of India represented by the
Secretary to the Government of India,
Ministry of Communications (Department of Posts),
New Delhi – 110 001.
2. The Chief Post Master General,
Kerala Circle, Thiruvananthapuram – 695 033.
3. Senior Superintendent of Post Offices,
Mavelikkara Postal Division, Mavelikkara – 690 506. - Respondents

[By Advocate : Mr. Sinu G. Nath, ACGSC]

The application having been heard on 13.07.2022 through video conferencing, the Tribunal on the same day delivered the following:

O R D E R (Oral):

Per: Mr. K.V. Eapen, Administrative Member

The applicant has filed this O.A seeking the following reliefs:-

- “(i) Declare that the refusal on the part of the respondents to release the applicant's regular pension, retirement gratuity as also leave encashment, etc. is arbitrary, discriminatory, contrary to law and hence, unconstitutional.*
- (ii) direct the 2nd and 3rd respondents to forthwith release the applicants regular pension and other retirement benefits, including gratuity, leave encashment, etc. within a time frame as may be just and proper by this Hon'ble Tribunal.*

(iii)direct the respondents to pay interest @9% per annum on the delayed payment of gratuity and leave encashment to be calculated w.e.f. 01.05.2020 till the date of full and final payment of the same.”

2. The applicant submits that she had retired from service on superannuation with effect from 30.04.2020 while working as Postmaster Grade-I. She is aggrieved by the refusal on the part of the respondents to release her retirement gratuity and regular pension and also leave encashment on the ground of verification of her Caste Certificate. The applicant submits that, as on the date of her superannuation on 30.04.2020, there were no departmental or judicial proceedings pending against her. Therefore, she submits that the refusal on the part of the respondents to release the applicant's pension and other terminal benefits including retirement gratuity and leave encashment, etc. is without authority of law, contrary to CCS (Pension) Rules, 1972 and hence violative of Articles 14, 16 and 21. Hence, the applicant filed the present O.A.

3. When the matter came up for consideration, it is brought to notice that the Annexure A-4 representation to the 2nd respondent, which is still pending. Counsel for the applicant submits that the applicant will be satisfied, if a direction is given to the respondents to dispose of her representation within a time frame.

4. Mr. Sinu G. Nath, ACGSC takes notice on behalf of the respondents and submits that the respondents have no objection in disposing of the representation in the light of relevant rules and regulations.

5. In view of the above submissions, this Tribunal directs the Competent Authority among the respondents to consider the representation of the applicant at Annexure A-4 in the light of relevant rules and regulations and pass a speaking order within a period of one month from the date of receipt of a copy of this order. The O.A is disposed of at the admission stage itself without going into the merits of the matter. No order as to costs.

(Dated, 13th July, 2022.)

(K.V. EAPEN)
ADMINISTRATIVE MEMBER

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Applicant's Annexures

- Annexure A-1 - A true copy of the order bearing No. 23813/G3/2008/ SCSTDD dated 06.01.2022, issued by the Chairman, Scrutiny Committee for Verification of Community Services, SC & ST Development Department, Trivandrum.
- Annexure A-2 - A true copy of the judgment of the Hon'ble High Court in W.P.(C) No. 3592/2022 dated 15.03.2022.
- Annexure A-3 - A true copy of the order bearing No. 26-05/2019/ PA (PEA)/2005-51 dated 09.12.2021, issued by the Department of Posts along with its Annexure.
- Annexure A4 - A true copy of the representation submitted by the applicant dated 04.04.2022 addressed to the second respondent-Chief Post Master General.

Annexures of Respondents

NIL
