

**CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH, KOLKATA**

O.A. 825 of 2013

Dated : 24.09.2019

**Coram**

**Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. N. Chatterjee, Administrative Member**

Shri Sukumar Chakraborty,
Son of Kamalakshya Chakraborty,
Aged about 50 years,
Working as Postman,
Eral Branch Office,
Dist. Burdwan,
Residing at Vill. & P.O. Pratappur,
Dist. Burdwan,
Pin : 713 144.

..... Applicant.

Versus

1. Union of India
through the Secretary to the Govt. of India,
Ministry of Communications & IT,
Department of Posts,
Dak Bhawan, Sansad Marg,
New Delhi – 110 001.
2. Chief Postmaster General,
West Bengal Circle,
Yogayog Bhawan,
C. R. Avenue,
Kolkata – 700 012.
3. Senior Superintendent of Post Offices,
Burdwan Division,
Burdwan, Pin : 713 101.
4. Sub-Divisional Inspector (Postal),
Gushkara, Dist. Burdwan, Pin : 713 128.

..... Respondents.

For the applicant : Mr. S.K. Datta, Counsel

For the respondents : Mr. S.K. Ghosh, Counsel

O R D E R (Oral)**Per : Bidisha Banerjee, Judicial Member**

This application has been preferred to seek the following reliefs:

"8.a) An order holding that the denial of remuneration/additional remuneration to the applicant of a regular Departmental Full Time Postman since the date the applicant has been discharging the duties and functions of Mail Delivery of Eral B.O. i.e. the duties and functions of the regular departmental Full Time Postman as was being discharged by Sri Mathur Murmu is bad in law, arbitrary and discriminatory as well as unlawful.

b) An order directing the respondents to grant additional remuneration/remuneration at par with the regular departmental Full Time Postman since August, 2005 and to pay him the said remuneration till such time he is put to discharge the said duties and functions with all consequential benefits.

c) An order directing the respondents to produce/cause production of all relevant records.

d) Any other order or further order/orders as to this Hon'ble Tribunal may seem fit and proper."

2. The applicant has claimed that he was initially appointed as Extra Departmental Delivery Agent at Pratappur B.O. and subsequently, posted to discharge the duties of Sri Mathur Murmu i.e. the duties and functions of regular departmental Full Time Postman of Eral B.O. by Order dated 29.8.2005 and since then the applicant has been discharging the duties and functions for Full Time and the duties and functions of regular Departmental Postman for which he represented for additional remuneration/remuneration of regular Departmental Full Time Postman or to revert him to the earlier post of Delivery Agent at Pratappur B.O. but without considering the same he is being continued as such without any additional remuneration and/or remuneration at par with the regular Departmental Postman.

3. Per contra the respondents have averred as follows:

"That the post of Postman, Eral EDBO was abolished vide Superintendent of Post Offices, Memo No. H/abolition(2003-04)/implementation dated 19.08.2005 in pursuance of Circle Office, West Bengal Circle, Kolkata communication dated 06.06.2005 & 17.06.2005 and South Bengal Regional Office communication No. PMG(SB)/Est/office/Ch-VI/Diversion dated 12.04.2005.

Accordingly, Sub Divisional Inspector of Posts, Gushkara Sub Division, vide his letter A1/Postman dated 29.08.2005, ordered Shri Mathur Murmu, Postman, Eral EDBO to get relieved immediately to join as Postman, Budbud Post Office and GDSBPM, Pratappur was instructed to direct Sri Sukumar Chakraborty, GDSMD Pratappur BO to perform the duty of delivery work of Eral BO immediately.

Sri Sukumar Chakraborty, GDSMD Pratappur BO, was assigned the duty of delivery work of Eral EDBO, for smooth delivery of the articles at Eral BO from the date of 05.09.2005(A/N).

The arrangement was made as per Rules. Hence issue of delivery works of eight hours and question of extra remuneration does not arise.

The claim of Sri Chakraborty that he was engaged as Postman Eral B.O. is without the least logic, because no man can be engaged against a post which has already ceased to exist.

That a GDS official can be engaged for 5 hours as per rules, and Sri Chakraborty performed duty for five hours. His claim of performing duty for full time Departmental Post is denied."

4. We heard the Ld. Counsels, considered the rival contentions and perused the materials as record.

5. We discern as under:

1) By an order dated 29.08.05 the S.D.I (Postal) Gushkara ordered as under:

".../Postman

Dated, Gushkara, 29.08.05

In pursuance of Divl. Office memo No. H/Abolition (2003-2004)/Implementation dt 19.08.2005, the following orders are issued to have immediate effect:-

1) Shri Mathur Murmu, Postman, Eral GDS B.O. will be relieved immediately and will join as Postman, Bud Bud ...meant post.

Copy for information & n/a to:-

- 1) Sr. Supdt. of Piv, Brushara Dv.
- 2) Sr. Postmaster, Brushara H.O.
- 3) SDI(P)/2nd Sub Div. w.r.t. letter No. B3/Transfer & Posting/Postman/2005-06 dt 22-08-2005.
- 4) SPM, Manku/Budbud.
- 5) BPM, Pratappur. He is hereby directed the order Shri Sukumar Chakraborty, GDSMD, Pratappur to perform in the duty of delivery work of Eral A.D. immediately. He may also be directed to BPM, Eral B.O. immediately.
- 6) GDSBPM, Eral.
- 7) Sukumar Chakraborty, GDSMD, Pratappur.
- 8) Mathur Murmu, Postman, Eral BO."

Thus a GDSMD (Mail Deliverer) Pratappur was made to discharge duties of delivery work of Eral B.O.

2) By a letter dated 06.11.09, addressed to SDI (P) Gushkara, the applicant claimed that he is a G.D.S staff working since from 23.4.1984, at Pratappur BO. The order of S.D.I(P) Gushkara asking him to join as a postman (Dept) at Eral BO dt. 5.9.2005, is highly irregular as one G.D.S staff cannot be asked to work as Postman without being promoted.

That his permanent residence is at Pratappur and the distance between Pratappur and Eral is 15 km one side, i.e. up and down total 30 km, the delivery area is 36 km and one man cannot travel (30 km + 36) total 66 km per day.

Hence he requested action consideration of his case and issuance of a suitable order.

Order dated 05.09.05 has been annexed in support.

3) On 5.4.2010 (Annexure-3) he once again prayed for his return to Pratappur.

4) Further on 25.1.11 he prayed for his return to Pratappur citing the following difficulties:

- "(1) My permanent residence to Eral BO 15 km (up down 30 km) Daily Travelled.*
- (2) The Eral jurisdiction of Eral 36 km Travelling daily.*
- (3) In question of my children education would be stopped due to my transfer.*
- (4) My Transfer is not permitted as per deptt. rules.*
- (5) I am getting my only minimum allowance and payment would be made my previous office.*

(6) *The office establishment not yet enough it is, I think highly irregular."*

5) The annexures in regard to one Krishnapada Saha cited by the applicant have been issued an a different premise, having no bearing with the present case.

6) The respondents have vehemently opposed the contention that he was made to discharge duties as a Postman at Eral B.O.

7) The order dated 5.9.05 reads -

CHARGE REPORT

Certified that the charge of the delivery work of the Postman Post (abolished) of Eral B.O. was made over of the B.P.M Eral to Sukumar Chakraborty (G.D.S.M.D Pratappur B.O) at (place) Eral B.O on (date) 5/9/05 (FN) in accordance with the S.D.I(P) Gushkara NoA1/Postman dtd of Gushkara 29/8/2005.

Sd/ 5/9/05

Sukumar Chakraborty

Relieved Officer

Relieving Officer"

It does not depict that the applicant served as Postman.

6. From the enumerations supra, we failed to decipher any order by which the applicant was ordered to discharge duties of Postman, hence his prayers are not tenable.

However, the representation depicting his difficulties deserves a consideration.

7. In the aforesaid backdrop we dispose of the O.A. with a direction upon SDI(P) Gushkara to consider his representation sympathetically in accordance

with law and dispose it of with a reasoned and speaking order and within 3 months.

8. In the event the applicant can be posted back to Pratappur, appropriate orders shall be issued within the said period. No costs.



(Dr. N. Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

drh