

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**



O.A/350/1661/2019

Date of Order: 24.02.2020

**Coram: Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. (Ms.) Nandita Chatterjee, Administrative Member**

Manishi Prasad Chakravarty, son of Late Krishna Prasad Chakravarty, residing at Kampa Battala, P.O -Kampa, P.S - Bizpur, North 24 Parganas, Pin 743193, working as TGT (English), K.V.S No. - I, Kanchrapara.

--Applicant

Versus



1. The Union of India, through the Secretary, Ministry of Human Resource Development, Government of India, Shastri Bhawan, New Delhi - 110001.
2. The Secretary, Ministry of Human Resource Development, Government of India, Shastri Bhawan, New Delhi - 110001.
3. Department of Posts, Government of India, through the Director, Kolkata General Post Office, Kolkata - 700001.
4. Deputy Director P.O -I [Admin], Kolkata General Post Office, Kolkata - 700001.
5. Kendriya Vidyalaya Sangathan, New Delhi, through the Commissioner, 18, Institutional Area, Shaheed Jeet Singh Marg, New Delhi 110016.
6. The Commissioner, Kendriya Vidyalaya Sangathan, New Delhi, 18, Institutional Area, Shaheed Jeet Singh Marg, New Delhi 110016.
7. Kendriya Vidyalaya Sangathan, Regional Office, Kolkata through the Deputy Commissioner, EB Block, Sector -I, Sector -I, Laboni, Salt Lake, Kolkata - 700064.
8. The Deputy Commissioner, Kendriya Vidyalaya Sangathan, Regional Office, Kolkata EB Block, Sector -I, Sector -I, Laboni, Salt Lake, Kolkata - 700064.
9. Kendriya Vidyalaya No. 1, Kanchrapara through the Principal, P.O Kampa, North 24 Parganas, Pin 743193.
10. The Principal, Kendriya Vidyalaya No. 1, Kanchrapara P.O Kampa, North 24 Parganas, Pin 743193.

--Respondents

For The Applicant(s): Mr. A. R Mukherjee, counsel
Mr. U. Sarkar, counsel
For The Respondent(s): Mr. R. Halder, counsel

ORDER (ORAL)

Per: Ms. Bidisha Banerjee, Member (J):

Heard Id. counsel for both sides.

2. This O.A has been preferred to seek the following relief:

"i) Pass an order/direction commanding the respondents and each one of them to release senior scale pay with arrear with effect from 14.09.2013 along with interest and to act in accordance with law by acting in the manner as stated hereinabove.

ii) Pass an order/direction commanding the respondents and each one of them to fix his scale of pay upon counting the applicant's past service of 7 years 7 months 21 days with effect from 18.01.1994 rendered by him in Kolkata General Post Office and also give all consequential benefits including fixing seniority and to act in accordance with law by acting in the manner as stated hereinabove.

iii) Pass an order/direction commanding the respondents and each one of them to implement the provisions of the Rights of Persons with Disabilities Act, 2016 particularly Section 20[2] of the said Act and to act in accordance with law by acting in the manner as stated hereinabove.

iv) Pass an order/direction commanding the respondents and each one of them to immediately transfer the GPF amount of the applicant, still kept with his erstwhile employer and to act in accordance with law by acting in the manner as stated hereinabove.

v) Pass an order/direction commanding the respondents and each one of them to forthwith and/or immediately certify and/or transmit to this Hon'ble Tribunal the entire records and/or proceedings forming subject matter of the instant case so that conscionable justice may therein be administered by setting aside and/or quashing the impugned decision of the respondents not to count the past service rendered by him in Kolkata General Post Office and not to release senior scale in his favour with effect from 14.09.2013 along-with arrear and not to release other consequential benefits including fixing his seniority and further not to implement provisions of the Rights of Persons and Disabilities Act, 2016 particularly Section 20[2] of the said Act.

vi) Such further or other order or orders as your Lordships may deem fit and proper."

3. At hearing, Ld. Counsel for the applicant would seek liberty to file a comprehensive representation to the competent respondent authorities seeking benefits in terms of the letter/communication dated 20.11.2007 (Annexure A-6 to the O.A) and a direction upon the respondents to consider and dispose of the same in a time bound manner.

4. Ld. counsel for the respondents does not have any objection if such liberty is granted.



5. Accordingly, the O.A is disposed of with liberty to the applicant to file comprehensive representation to the competent respondent authority, seeking benefits in terms of the communication dated 20.11.2007 (Annexure A-6 to the O.A), within a period of 4 weeks from the date of receipt of a copy of this order. In the event such representation is preferred, the competent respondent authority shall consider the same in accordance with law and pass appropriate orders within a period of 3 months from the date of such representation. In the event the applicant deserves the relief as prayed for, the same shall be accorded within that period. For effective consideration, Respondent No. 3 and 4, being Department of Posts, GOI, through the Director, Kolkata GPO and Deputy Director P.O -I [Admin] Kolkata General Post Office, Kolkata, respectively, shall ensure that action is taken on the basis of the communication dated 20.11.2007.

6. It is made clear that we have not entered into the merit of the matter and therefore all the points to be raised in the representation shall be open for consideration.

7. The present O.A accordingly stands disposed of. No costs.

(Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member (J)