

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

LIBRARY

O. A. No/350/ 4 86 of 2020

Smt. Srabani Senapati wife of late
Submial Senapati, aged about 37 years,
working as GDSBPM, Jalabishwanathpur
Branch Office, since officiating at
Nabghara Branch Office and presently
residing at Vill & P.O. Banaharispur P.S.
Panchla, Dist. Howrah, Pin - 711322.

... Applicant

-Versus-

1. Union of India, service through the
Secretary, Ministry of Communication &
Information Technology, New New Delhi -
110001.

2. The Chief Post Master General, West
Bengal Circle, Yogayog Bhavan,
Chittaranjan Avenue, Kolkata - 700012.

3. The Sr. Superintendent of Post
Offices, Howrah Division, Howrah -
711101.

4. Inspector of Posts, Howrah 2nd Sub
Division, Fortgloster, Howrah - 711310.

... Respondents

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**

Date of Order: 12.08.2020

No.O.A.350/486/2020

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

**SMT. SRABANI SENAPATI
Vs.
UNION OF INDIA & OTHERS**

For the Applicant(s): Mr. P.C. Das, counsel
Mr. J.R. Das, counsel
Ms. T. Maity, counsel

For the Respondent(s): Mr. B.B. Chatterjee, counsel

ORDER (ORAL)

Bidisha Banerjee, Member (J):

This application has been filed to seek the following reliefs:-

- i) *An order directing the respondents to cancel, rescind withdraw or set aside the purported order dated 01.07.2020 received by the applicant on 06.07.2020 in the interest of justice.*
- ii) *An order directing the respondents to cancel, rescind withdraw or set aside the purported order/letter dated 03.09.2019 by the Sr. Supdt. Of P.Os, Howrah Division, Howrah-711101 since been issued without due application of mind.*
- iii) *An order directing the respondents to grant regular transfer to the applicant herein to Nabghara Branch Office from existing Jalabiswanathpur Branch Office with immediate effect to save the life of the applicant as also of her baby child as already reported by the applicant.*
- iv) *An order directing the respondents to consider the representation of the applicant being dated 22.03.2019 to allow her transfer to Nabghara Branch Office on immediate basis vis-à-vis allow her to continue at the said Nabghara Branch Office on officiating basis pending decision of the O.A. when admittedly there being existing vacant position since admitted in the Inspection Report and followed the DOP OM dated 22.01.2020;*
- v) *An order directing the respondents to consider the representation dated 08.07.2020 along with proforma for transfer at Nabghara B.O. in terms of the DOP OM dated 22.01.2020;*



- vi) An order directing the respondents to produce entire records of the case with copy to the Ld. Advocate appearing for the applicant for conscionable justice.
- vii) Any other order or orders further order/orders as to this Hon'ble Tribunal may seem fit and proper.

2. Today at hearing the following facts have been placed before us:-

The Assistant Superintendent of Posts(H.Q.) Office of the Senior Superintendent of Posts, Howrah Postal Division, Howrah communicated to the Id. counsel for the respondent authorities as under:-

Government of India : भारत सरकार

Department of Posts: डाक विभाग

Office of the Senior Superintendent of Post Offices, Howrah Postal Division, Howrah-711101.

वरिष्ठ डाक अधीक्षक का कार्यालय, हावड़ा डाक विभाग, हावड़ा 711101

Phone No. 033-2667-1289/ Fax-(033)2667-0308

e-Mail- dhowrah.wb@indiapost.gov.in/ dophowrah@gmail.com

U.E/e-Mails/Regd.

To

Mr. B. B. Chatterjee,

Sr. Govt. Counsel (Group-I)

CAT, Kolkata Bench

Kolkata-700020



No. BO Estt./GDS Limited Transfer(CAT)/Howrah Dn Dated at Howrah -1

the 04.08.2020

Sub. Clarification in r/o order of Hon'ble CAT, Kolkata Bench dated 28.07.2020 in c/w OA No- 350/486 of 2020 in the matter of Srabani Senapati Vs. U.O.I & others.

Sir,

In connection with above, the following clarifications are given on behalf of the Department for submission before the Hon'ble CAT, Kolkata Bench.

Para-1: The remark of Ld. Counsel of the applicant, side that the proposal for transfer is given 40 KM away from the residence of the applicant is not true. Smt. Senapati has mentioned in her application (in prescribed proforma) dated 07.01.2020 that her living place is Panchia and in the next application dated 08.07.2020 is Banharishpur (in Panchia Block) and earlier produced a residential certificate that she resides at Nabghara (in Panchia Block) issued by kanduah Gram Panchayat of Panchia Block. Hence, this office is very confused about actual residential status of the applicant. Taking into view that she resides in the delivery jurisdiction of Nabghara Branch Post Office in Panchia Development Block; she was offered three alternative choice of engagement ---1) at Gobardhanbati Post Office in Panchia Block 2) Nalpur Post Office at Sankrail Block. 3) Raghudevapur Post Office at Panchia Block --- each Post Office having vacant GDS post to accommodate her right now. Eventually, each Post Office, so said is located within a radius of not more than 10 KMs centering Nabghara Branch Post Office in Panchia Block. So no mala fide intent to put her into trouble played in the matter of offer of choice of Post Offices for her immediate engagement.

Another ruling governing this transfer to be kept in view is that the applicant is drawing Time Related Continuity Allowance (TRCA in abbreviation) applicable for GDS at Level -2 and so the applicant may be transferred to a vacant GDS post against which TRCA Level 2 is applicable.

Otherwise, such transfer may stand contrary to Postal departmental ruling. No vacant GDS post around Nabghara Post Office is identified as TRCA Level 2 post. Upon her application, we may review the workload of the said GDS post as to whether the said GDS post can be identified as Level 2 post or not. If it matches, then her application for transfer may be approved. Copy of ruling on this issue is submitted enclosed herewith.

This choice was given to the applicant to comply the order of Hon'ble CAT, Kolkata Bench. OA-127 of 2020 dated 13.02.2020.

Para-II: Smt. Srabani Senapati did not submit any documentary evidence along with her application dated 07.01.2020 and thus she did not comply the order of the Hon'ble CAT Kolkata Bench.

However, the application of transfer for Nabghara B.O has been forwarded to Regional Office (RO), i.e. the O/o the Postmaster General South Bengal Region and the matter is under process of decision.

Para-III:- The post of BPM, Nabghara B.O is till vacant but it cannot be allotted to the applicant as the TRCA Level is not same and this has been provided by Postal Directorate Office Memorandum No-17-31/2016-GDS Dated 22.01.2020. Copy of ruling on this issue is submitted enclosed herewith.

The above information stands approved for submission before the CAT, Kolkata Bench through our GC by the competent authority.

Thanking you,

Yours faithfully,

Avijit Das

Avijit Das/ অমিত দাস

Assistant Superintendent of Posts (H.O.)

সহায়ক অতিরিক্ত ডাক (মুখ্যালয়)

O/o the Senior Superintendent of Posts

বরিশাদ অধীক্ষক ডাক কা কার্যালয়

Howrah Postal Division/ হাবড়া ডাক মंडল

Howrah-711101(W.3)/ হাবড়া -711101(W.8)



3. It is evident from the above extract that admittedly the applicant resides in the delivery jurisdiction of Nabaghara Branch Post Office in Panchla Development Block. It transpired from the reply that the applicant is at a higher level of TRCA compared to that of Branch Postmaster of Nabaghara Branch Post Office. She desires that she should be retained in Nabaghara Branch Office until the post is filled up on regular basis. It also transpired in course of hearing that vacancy in the post of Branch Post Master at Nabaghara Branch Office is yet to be filled up on regular basis and is to be manned by any other BPM of the required level.

4. Since the applicant is at a higher level of TRCA for the post of Branch Postmaster, Nabaghara and is willing to serve as Branch Post Master at

Nabaghara, placing her at Nabaghara Branch Post Office would not pose any difficulty as she has already served as such. Accordingly we direct the respondents to allow her to continue as Branch Post Master, Nabaghara Branch Office for such tenure as the Rules would allow and until the post is filled up on regular basis.

5. With the aforesaid order, the O.A. stands disposed of. No costs.

(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

sb

