

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

Dated of order: 12.8.2020

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

No. O.A. 350/00571/2020 Shri Bakul Kumar Maity,
Son of Shri Surendra Nath Maity,
Aged about 59 years,
Residing at Village and Post Office – Andulia,
Police Station – Sabong,
District – Paschim Midnapore,
Pin – 721144 and
Working to the post of
GDSMD at Andulia Branch Post Office,
Sabong Sub- Post Office in the
Midnapore Division under the
Senior Superintendent of Post Offices,
Midnapore Division,
Midnapore.

No. O.A. 350/00572/2020 Shri Rabindra Nath Jana,
Son of Late Kalipada Jana,
Aged about 63 years,
Residing at Village and Post Office-
Bishnupur Bazar,
Police Station – Sabong,
District – Paschim Midnapore,
Pin – 721144,
And working to the post of GDSMD at
Bishnupur Bazar Branch Office,
Sabong Sub-Post Office
In the Midnapore Division under the
Senior Superintendent of Post Offices,
Midnapore Division,
Midnapore.

No. O.A. 350/00573/2020 Shri Sunil Kumar Chini,
Son of Shri Binod Bihari Chini,
Aged about 46 years,
Residing at Village and Post Office –
Chaulkuri,
Police Station – Sabong,
District – Paschim Midnapore,
Pin – 721144 and
Working to the post of GDSMC at
Chaulkuri Branch Office,

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Sabong Sub- Post office
In the Midnapore Division under the
Senior Superintendent of Post Offices,
Midnapore Division,
Midnapore.

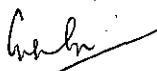
No. O.A. 350/00574/2020 Shri Babulal Kar,
Son of Late Dharanidhar Kar,
Aged about 64 years,
Residing at Village and Post Office - Mohar,
Police Station - Sabong,
District - Paschim Midnapore,
Pin - 721161 and
Working to the post of GDSMD at
Mohar SO, Sabong Sub-Post Office
In the Midnapore Division under the
Senior Superintendent of Post Offices,
Midnapore Division,
Midnapore.

No. O.A. 350/00575/2020 Shri Pijus Kanti Das,
Son of Shri Prasanta Kumar Das,
Aged about 43 years,
Residing at Village - Shellya,
Post Office - Narayanbarh,
Police Station - Sabong,
District - Paschim Midnapore,
Pin - 721144 and
Working to the post of
GDSMD at Ruinan Branch Post Office,
Sabong Sub- Post Office
In the Midnapore Division under the
Senior Superintendent of Post Offices,
Midnapore Division,
Midnapore.

... Applicants

- V E R S U S -

1. Union of India,
Service through the Secretary,
Government of India,
Ministry of Communication & Information
Technology,
Department of Posts,
20, Sanchar Bhawan,
Ashoka Road,
New Delhi - 110 001.



2. The Chief Post Master General,
West Bengal Circle,
Yogayog Bhawan,
C.R. Avenue,
Kolkata - 700 012.
3. The Post Master General,
South Bengal Region,
Yogayog Bhawan,
Kolkata - 700 012.
4. The Additional Director of Postal Services,
West Bengal Circle,
South Bengal Region,
Yogayog Bhawan,
C.R. Avenue,
Kolkata - 700 012.
5. The Senior Superintendent of Post Offices,
Midnapore Division,
Midnapore - 721101.
6. The Inspector of Posts,
Balichak Sub-Division,
Balichak - 721124,
District - Paschim Midnapore.

..... Respondents

For the Applicants : Mr. P.C. Das, Counsel
Ms. T. Maity, Counsel

For the Respondents : Mr. B.B. Chatterjee, Counsel

O R D E R (Oral)

Per Dr. Nandita Chatterjee, Administrative Member:

The applicants of the above mentioned O.A.s are all GDSMDs who, reportedly, have been discharging duties and functions in vacant posts of GDSMC/GDSBPM in various branch Post Offices. Being aggrieved with the fact, that, despite discharging such duties in compliance to orders of higher authorities, the applicants have been deprived of appropriate pay

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and allowances, the applicants have approached this Tribunal with the instant O.A.s.

The underlying facts as well as legal issues raised in these Original Applications being similar, these O.A.s are being disposed of with a common order.

2. The common relief, as sought for in these O.A.s, is as follows:-

- "(a) To pass an appropriate order directing upon the respondent authority to disburse the actual pay and allowances in connection to the post of GDSMD which your applicant is discharging which is a vacant post as per the direction of the respondent authority which is appearing at Annexure A-1 of this original application and to give the benefit of pay with effect from 26.12.2013 in respect of TRCA (Time-Related Continuity Allowance) which was less paid and the arrear Bonus of 2016-2017 and arrear payment of 7th CPC as per the Report of Kamlesh Chandra Committee in favour of the applicant along with all consequential benefits which your applicant is regarding for entitled to;
- (b) To pass an appropriate order directing upon the respondent authority not to reduce your applicant's pay and allowances and to give the benefit of pay in favour of the applicant who is discharging duties and function against a vacant post as per the direction of the higher authority of the respondents being Annexure A-1 of this original application along with all consequential benefits in the light of the decision passed by this Hon'ble Tribunal in the case of Radhashyam Das - vs. - Union of India & ors. in O.A. No. 350/1376 of 2018 being Annexure A-3 of this original application and in the light of the implementation order issued by the same Division of Post Offices dated 13.12.2018 being Annexure A-4 of this original application."

3. Heard both ld. Counsel, examined documents on record. These matters are taken up for disposal at the admission stage.

4. The submissions of Ld. Counsel for the applicant is, that the applicants, who are all GDSMDs, were directed from time to time by their higher authorities to discharge duties and responsibilities in the vacant posts of GDSMC/GDSBPM in various Branch Post Offices.

The applicants would contend that they are entitled to appropriate payment of TRCA, arrear bonus of 2016-17, as well as arrears of 7th CPC as per the report of the Kamlesh Chandra Committee. The respondent authorities, however, not only deprived the applicants of such amounts but also reduced the applicants' pay by more than Rs. 4000/- per month w.e.f. 2015 in an arbitrary and discriminatory manner. The applicants

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represented to the competent respondent authority, who, however, failed to decide on the same.

The applicants would further aver that, an identical issue was decided upon by this Tribunal in O.A. No. 350/01376/2018 (***Radhashyam Das v. Union of India & ors.***) which was disposed of by the Tribunal vide orders dated 28.9.2018 and, in compliance thereof, the Office of the respondent No. 5, who is the Sr. Superintendent of Post Offices, had decided in favour of Shri Radhashyam Das and had disbursed arrear payments to Shri Radhashyam Das (Annexure A-4 to the O.A.) in which the respondent No. 5 had concluded as follows:-

“6. In the view of the above, it has been decided that the benefit of own TRCA i.e. Rs. 4830/- is admissible To Sri Das while he was working as GDS BPM Fatechak B.O. since 28.3.2015. Thus the concerned D.D.O. i.e. Sr. Postmaster, Midnapore H.O. is hereby directed to take up the matter separately not in general i.e. it would be applicable only to the applicant (Sri Das) and settle the case immediately. The representation dated 16.5.2017 preferred by Sri Radhashyam Das, GDSBPM, Taladiha B.O. is accordingly disposed of.”

5. We find, on perusal of records, however, that, although there are representations at Annexures A-2 to the O.A.s, none of the representations have referred to the speaking order in favour of Shri Radhashyam Das dated 13.12.2018 at Annexure A-4 to the O.A.

Ld. Counsel for the applicants would, however, submit that, as the applicants' grievances remain pending, the concerned respondent authority be directed to consider their existing representations at Annexure A-2 to the O.A., in a time bound manner.

6. Ld. Counsel for the respondents would not object to disposal of such representations in accordance with law.

7. Accordingly, without entering into the merits of the matter, and, with the consent of the parties, we would hereby direct the concerned respondent authority to decide on the said representations (if received at

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his end), in accordance with law, within a period of 12 weeks from the date of receipt of a copy of this order.

The concerned respondent authority should convey his decision in the form of a reasoned and speaking order to the applicants.

In case the applicants are able to conclusively establish their claim, and, if their grievance is found to be genuine, the respondent authority shall further decide on their entitlements and arrange to disburse the same within a further period of 8 weeks thereafter.

8. With these directions, the O.A.s are disposed of. No costs.

(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

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