

6/2/2020

8/101

Under Section 19 of the Administrative Tribunals Act, 1985

BETWEEN

LIBRARY

Shri Goutam Tarafder, son of late Jatindra Mohan Tarafder, aged about 58 years (date of birth - 25.09.1962), presently working as Asstt. Superintendent of Post (being demoted from Superintendent of Post Offices in the office of PLI-I, under punishment order dated 25.06.2020) at Shorting-II, Kolkata RMS, Kolkata - 700001, present pay matrix 8, residing at Tara Villa, Ghosh Para, P.O. Uttarpara, District - Hooghly, PIN - 712711 and permanently residing at 107A, Bidhan Chandra Road, P.O. Jhaljharia Railway Colony, District - Malda, PIN - 732102.

.....Petitioner/Applicant

-versus-

1. Union of India through the Secretary, Ministry of Communication, Department of Posts, Parliament Street, Dak Bhawan, Sansad Marg, New Delhi - 110001.

2. Director General (Postal Service), Ministry of Communication, Department of Posts, Parliament Street, Dak Bhawan, Sansad Marg, New Delhi - 110001.

3. Chief Postmaster General, West Bengal Circle, Department of Posts, Yogayog Bhawan, 40/C, Chittaranjan Avenue, Chandni Chawk, Kolkata - 700012.

4. Postmaster General, South Bengal Region, Department of Posts, Yogayog Bhawan, 40/C, Chittaranjan Avenue, Chandni Chawk, Kolkata - 700012.

5. Asstt. Director of Postal Service, O/o the Postmaster General, South Bengal Region, Department of Posts, Yogayog Bhawan, 40/C, Chittaranjan Avenue, Chandni Chawk, Kolkata - 700012.

6. Shri. Kevichusa, Inquiry Authority & Director of Postal Services, O/o Chief Postmaster General, Assam Circle, Guwahati - 781001.

.....Respondents

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

No. O.A. 350/642/2020

Date of order: 08.10.2020

Present : Hon'ble Mrs. Bidisha Banerjee, Judicial Member

GOUTAM TARAFDAR

VS.

UNION OF INDIA & OTHERS

For the Applicant : Mr. B. R. Das, Counsel

For the Respondents : Mr. S. Paul, Counsel

ORDER

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

"I. Rescind/recall/withdraw the order being Annexure-A3 which is issued by the CPMG being an incompetent authority and without approval of Director General(Postal);

II. Quash and set aside the Inquiry Report (Annexure-A5) against the void charge memo and the main two witness not being examined;

III. Quash and set aside the punishment order dated 25.06.2020(Annexure-A7) issued by the DG(Post) who has not issued the chargememo;

IV. To open the seal cover and declare the petitioner as Sr. Superintendent of Post Offices (Group A) as Pay Matrix-10 w.e.f. 2016 and refix his pay accordingly;

V. Fix the seniority at par with the applicant's juniors and pay all the consequential benefits;

And

VI. Direct the Appellate Authority to dispose of the appeal forthwith;

And

VII. Certify and transmit the entire records and papers pertaining to the applicant's case so that after the causes shown thereof *conscionable justice may be done unto the applicant by way of grant of reliefs as prayed for in (i) to (vii);*

VIII. Any further order/orders and/or direction or directions as to your Lordships may seem fit and proper;

IX. Costs."

2. Heard Id. counsel for both sides and perused the records.

3. At hearing it transpired that the applicant while working as Superintendent of Post Office, Purulia Division on ad hoc basis was directed by his higher authorities to cancel the selection of GDSBPM at Deoli Branch Office, Burda Branch Office and Illoo Branch Office under Purulia Division for some irregularities committed by his predecessor and thereafter as per direction of higher authorities the applicant issued notification for engagement of GDSBPM in Deoli, Burda and Illoo Branch offices on 06.01.2011. Thereafter selection was made and provisional appointment letters were issued to the selected candidates. The applicant was subsequently promoted as Superintendent of Post Offices on regular basis and joined the Assam Circle in 2012. After a lapse of 3 years he was issued a charge sheet on the ground of irregularities in selecting GDSBPM at Deuli Burda and Illoo Branch Offices under Purulia Division which culminated into a punishment of reduction to a lower post of Assistant Superintendent of Post Offices from that of a Superintendent of Post Offices for a period of 2 years fixing his pay at the minimum stage of Level 8 of Pay Matrix of ASPOs. He preferred an appeal against the punishment order on 24/27.07.2020 which has not been disposed of as yet.

4. Ld. counsel for the applicant would submit that his client would be fairly satisfied if his appeal is directed to be disposed of within a time frame preferably within one month.

5. Ld. counsel for the respondents would not object to disposal of the O.A. with such direction. However, he would pray for at least two months' time for the Appellate Authority to dispose of the pending appeal.

6. Having heard Id. counsel for the parties, I am of the considered opinion that it would be expedient in the interest of justice if a time limit of 2 months is allowed for disposal of the appeal. Accordingly we direct the Appellate Authority to consider the pending appeal of the applicant with due and proper application of mind and in accordance with law and pass appropriate order within 2 months from the date of receipt of a copy of this order.

It is made clear that I have not entered into the merits and therefore, all points are kept open for consideration by the respondent authorities.

7. Accordingly the O.A. stands disposed of. No order as to costs.

(Bidisha Banerjee)
Judicial Member



sb