CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

No. O.A. 350/00950/2020 Dated of order: 15.10.2020

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

Shri Swapan Kumar Bhattacharjee,
Son of Late Panchanan Bhattacharjee,
Aged about 66 years,
Residing at Village & Post Office – Jalchak,
Police Station – Pingla,
District – Midnapore,
Pin – 721155 and
Retired from service while working to
The post of GDSMD at Jalchak Branch Post Office,
Midnapore Division under the
Senior Superintendent of Post Offices,
Midnapore Division,
Midnapore.

... Applicant

- 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, Pin – 721101.

6. The Inspector of Posts,
Balichak Sub-Division,
Ghatal – 721214,
District – Midnapore.

7. The Senior Postmaster,
Midnapore Head Office,
District – Midnapore – 721101.

8. The Sub-Divisional Inspector (P),
Department of Posts,
Balichak Sub-Division,
Balichak – 721124,
District - Midnapore.

..... Respondents

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

For the Respondents : Mr. Samir Paul, Counsel

O R D E R (Oral)

Per Dr. Nandita Chatterjee, Administrative Member:

The applicant in the instant O.A., had served as a GDSMD, and, reportedly, was discharging duties and functions in the vacant post of GDSMD in Jalchak Branch Post Office under Midnapore Head Office in the Midnapore Division. Being aggrieved with the fact that, despite discharging such duties in compliance to orders of higher authorities, he was deprived of appropriate pay and allowances, the applicant has approached this Tribunal with the instant O.A.

2. The relief, as sought for in this O.A., 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 17.12.2011 to 29.04.2019 in respect of TRCA (Time-Related Continuity Allowance) which was less paid and the arrear Bonus of 2016-17 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 to give the benefit of pay with effect from 17.12.2011 to 29.04.2019 in respect of TRCA (Time-Related Continuity Allowance) which was less paid and the arrear Bonus of 2016-17 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 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. This matter is taken up for disposal at the admission stage.

4. The submissions of Ld. Counsel for the applicant is, that the applicant, who functioned as a GDSMD prior to his retirement, was directed from time to time by his higher authorities to discharge duties and responsibilities in the vacant post of GDSMD in Midnapore Head Office.

The applicant would contend that he is 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 applicant's pay by more than Rs. 4324/- per month w.e.f. 17.12.2011 to 29.04.2019 in an arbitrary and discriminatory manner.

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.) concluding 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. Ld. Counsel would aver that the applicant had represented on 5.3.2019 (Annexure A-2 to the O.A.) praying for arrear pay and allowances w.e.f. 17.12.2011 to 29.04.2019 in the light of decisions arrived at in the matter of Shri Radhashyam Das. As such representation remains pending, however, Ld. Counsel would urge for directions on early disposal of such prayer.

6. Ld. Counsel for the respondents would not object to disposal of such representation in accordance with law, subject to similarity of the applicant's circumstances with that of Shri Radhashyam Das.

7. Accordingly, without entering into the merits of the matter, and, with the consent of the parties, we would hereby direct the concerned/addressee respondent authority to decide on the said representation (if received at his end), and, 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 applicant.

In case the applicant is able to conclusively establish his claim, and, if his grievance is found to be genuine, the respondent authority

shall further decide on his entitlements and arrange to disburse the same within a further period of 8 weeks thereafter.

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

(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

SP