CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

No. O.A. 350/00952/2020 Dated of order: 15.10.2020

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

Radha Krishna Bisoi,
Son of Late Surendra Nath Bisai,
Aged about 63 years,
Residing at Village – Nedhua,
Post Office – Nedhua Bazar,
Police Station – Sabang,
District – Midnapore,
Pin – 721144,
And working to the post of
GDSMD at Nedhua Bazar Branch Post Office,
Sabang Sub-Post Office in the
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 – 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 : Ms. D. Nag, Counsel

O R D E R (Oral)

Per Dr. Nandita Chatterjee, Administrative Member:

The applicant in the instant O.A. is reportedly discharging duties and functions in the vacant post of GDSMD in Nedhua Bazar Branch Office, Sabang Post Office in the Midnapore Division.

The applicant is aggrieved with the fact, that, despite discharging such duties in compliance to orders of higher authorities, he was deprived of appropriate pay and allowances and has hence approached this Tribunal with the instant O.A.

2. The relief, in particular, as sought for in the 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 24.5.2018 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 with effect from 24.5.2018 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. This matter is taken up for disposal at the admission stage.

4. The submissions of Ld. Counsel for the applicant is, that the applicant was directed from time to time by his higher authorities to discharge duties and responsibilities in the vacant posts of GDSMD in Nedhua Bazar Branch Office under Sabang Post Office in the Midnapore Division.

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 applicant of such amounts but also reduced the applicant's pay by more than Rs. 4324/- per month w.e.f. 24.5.2018 in an arbitrary and discriminatory manner. The applicant represented to the competent respondent authority, who, however, failed to decide on the same.

The applicant would further aver that, an identical issue was contained 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 for the applicant would, therefore, urge that, as the applicant has represented seeking similar benefits as granted to Shri Radhashyam Das, the concerned respondent authority be directed to consider his representation dated 24.9.2020 at Annexure A-2 to the O.A., in the light of decisions in the matter of Sri Radhashyam Das.

6. Ld. Counsel for the respondents would not object to disposal of such representation in accordance with law, subject to similarity of circumstances with 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 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 the event that nothing stands in the way, and if the applicant is able to conclusively establish his claim of parity with Shri Radhashyam Das, 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.s are disposed of. No costs.

(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

SP