

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATANo. O.A. 350/00302/ 2020
M.A. 350/00273/2020

Date of order: 10.7.2020

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

Sri Sujan Dey,
 Son of Late Ranjit Kumar Dey,
 Aged about 46 years,
 Working as Postal Assistant,
 Udaipur Sub Office,
 Udaipur – 700 049 and
 Residing at 1/41, Mahajati Nagar,
 P.O. Birati,
 Kolkata – 700 051.



.... Applicant

V E R S U S –

1. Union of India,
 Service through the Secretary,
 Ministry of Communication,
 Department of Post,
 Dak Bhawan,
 Sansad Marg,
 New Delhi – 110 001.
2. The Chief Post Master General,
 West Bengal Circle,
 Yogayog Bhawan,
 C.R. Avenue,
 Kolkata – 700 012.
3. The Director of Postal Services (Staff, E&PN),
 Office of the Chief Post Master General,
 West Bengal Circle,
 Kolkata – 700 012.
4. The Assistant Director of Postal Services,
 Office of the Chief Post Master General,
 West Bengal Circle,
 Yogayog Bhawan,
 Kolkata – 700 012.
5. The Post Master General,

Kolkata Circle,
Yogayog Bhawan,
Kolkata – 700 012.

6. The Senior Superintendent of Post Offices,
North Presidency Division,
Barrackpore,
Kolkata – 700 120.

... Respondents

For the Applicant : Mr. K. Sarkar, Counsel

For the Respondents : Ms. D. Nag, Counsel

O R D E R (Oral)



Per Dr. Nandita Chatterjee, Administrative Member:

The applicant has approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 praying for the following relief:-

“(a) To issue direction upon the respondents and their men and agents to consider the case of the applicant for posting in North Presidency Division as he is residing in Birati and his son and daughter who is 10 years and 5 years old and also school going children is impossible to leave them and since his wife is expired on 20.5.2019. So his children's education will be seriously hampered in his absence. Therefore, the impugned posting order to other station will be highly improper, illegal and bad in the eye of law forthwith.

(b) To issue appropriate necessary direction upon the respondents and their men and agents not to act upon the impugned order dated 06.02.2020 till disposal of this case;

(c) Any other order or orders as the Hon'ble Tribunal may deem fit and proper.”

2. The submissions of the applicant, as articulated through his Ld. Counsel is, that the applicant was appointed on 21.5.1997 as a Postal Assistant against Outsider Quota. That, thereafter, on 8.7.2019, the applicant was promoted to LSG Cadre (Postal Line) and such promotion orders were to take effect from the date when the promotes would actually resume their charge of the promotional posts. That, the applicant figured at Srl. No. 23 of the consequent promotional list dated 2.8.2019 and was allotted posting as SPM (LSG) Roy Para Sub Office at Nadia North Division.

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The applicant represented requesting the authorities to allow him to function in a LSG cadre post in the Presidency Division, but such representation was rejected vide authority's orders dated 10.12.2019 (Annexure A-7 to the O.A.), consequent to which, the applicant further represented which failed to merit consideration of the authorities, and, vide a further order dated 6.2.2020 (Annexure A-10 to the O.A.) his prayer for reallocation of Division on promotion to LSG cadre from PA was rejected.

According to the applicant, he was treated with discrimination as because, in the first phase, three identically situated incumbents were allotted North Presidency Division in spite of the fact that the applicant's repeated representations for posting at North Presidency Division was not acted upon by the authorities, and, hence, being aggrieved, the applicant has approached this Tribunal praying for the instant relief.

3. Upon examining the annexed records, however, we find that although the applicant is aggrieved by the rejection order of the competent authority dated 6.2.2020 whereby his prayer regarding reallocation of Division on promotion to LSG cadre was not considered, the applicant has not represented further against the same.

Ld. Counsel for the applicant, would, therefore, pray that the applicant be given liberty to prefer a comprehensive representation against the said rejection order, and, that, the respondent authorities be directed to consider the same within a specified time frame.

4. Ld. Counsel for the respondents, who is present and heard, would not object to consideration of such representation in accordance with law.

5. Accordingly, without entering into the merits of the matter, and, with the consent of the parties, we hereby accord liberty to the applicant to prefer a representation against the orders dated 6.2.2020, within a period of 2 weeks from the date of receipt of a copy of this order. In the event such



[Signature]

representation is received, the respondent authorities shall thereafter, decide in accordance with law within six weeks of such receipt, and, convey their decision to the applicant in the form of a reasoned and speaking order.

Both Ld. Counsel would submit that the applicant is yet to be relieved and is continuing in his present non-promotional post. The respondent authorities, therefore, should not take steps to relieve the applicant from his present place of posting or to compel him to join his promotional place of posting until the disposal of his representation.

6. With these directions, the O.A. is disposed of. There will be no orders on costs.

M.A. bearing No. 350/00273/2020 arising out of the instant O.A., whereby the applicant has prayed for early hearing of the O.A., is disposed of accordingly.

(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

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