

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

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No. O.A. 350/00305/2020
M.A. 350/00274/ 2020

Date of order: 10.7.2020

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

Sri Pradip Singha,
Son of Late Ajit Kumar Singha,
Aged about 55 years,
Working as Sub Post Master,
Nowdapara Sub Office,
Ariadaha – 700 057 and
Residing at 36/B, Laha Bagan,
P.O. Panihati,
Kolkata – 700 114.

.... 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.

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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 his elder son is a special children, and he needs constant medical support and personal care and his other son is a student of Class VIII and in the next 2 years he will appear in Board Examination. 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.”

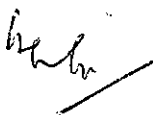
2. The submissions of the applicant, as made through his Ld. Counsel is, that the applicant was appointed as a Postal Assistant on 10.12.1996, and, that, thereafter on 8.7.2019, the applicant was promoted to LSG Cadre (Postal Line), and, such promotion orders were to take effect from the date when the promotees would actually resume their charge of the promotional posts.

That, the applicant figured at Srl. No. 5 in the consequent promotional list dated 2.8.2019, and, his promotional place of posting was as SPM (LSG)

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Baro, Andulia Sub-Office, North Nadia Division, as against his present place of posting as P.A., North Presidency Division. Being aggrieved, the applicant made categorical representations, particularly, on the ground, inter alia, that his elder son is a special child, who needs constant medical support and personal care, and, that the applicant is also taking care of his widowed sister. According to the applicant, although more than 16 vacancies are available in LSG Cadre in North Presidency Division, his representation was not considered, and, that, vide orders dated 18.12.2019 (Annexure A-7 to the O.A.) it was decided that those incumbents, who have declined the promotion would be debarred from being considered for officiating or regular promotion to LSG cadre for a period of one year from the date of their declining such promotion. The name of the applicant figured at Srl. No. 3 of such list. The applicant, further represented on the ground that more than six vacancies were available in the North Presidency Division for LSG Cadre but orders dated 29.1.2020 (Annexure A-8 to the O.A.) reveal that the representation of the applicant had not been considered by the respondent authorities. That, thereafter, on 6.2.2020 (Annexure A-11 to the O.A.), the respondent authorities issued an order whereby the prayer of the applicant for reallotment of Division on promotion to LSG Cadre from PA cadre, was rejected by the respondent authorities. Being aggrieved with the same, the applicant has approached this Tribunal praying for the above mentioned 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 reallotment of Division on promotion to LSG care 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 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 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 the representation.

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

M.A. bearing No. 350/00274/2020 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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