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CENTRAL ADMINISTRATIVE TRIBUNAL KOLKATA BENCH, KOLKATA

O.A/350/201/2021

Date of Order: 11.08.2021

Coram: Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. (Ms.) Nandita Chatterjee, Administrative Member

Sri Subrata Chatterjee, son of B. Chatterjee, by faith – Hindu, by occupation working as Postman at Serampore head Office, Serampore, Hooghly and residing at Police and Post office – Keira Tarakeswar, Dist. Hooghly, pin 712201.

--Applicant

--vs--

1. Union of India through the Secretary, Ministry of Communication, Dak Bhavan, New Delhi – 110001.
2. The Chief Post Master General, West Bengal Circle, Yogayog Bhavan, Kolkata – 700012.
3. The Post Master General, South Bengal Region, Kolkata – 700012.
4. The Senior Superintendent of Post Offices, South Hooghly Division, Serampore, Pin code no. 712201.

--Respondents

For The Applicant(s): Mr. N. Roy, counsel

For The Respondent(s): Mr. P. N. Sharma, counsel

O R D E R (O R A L)

Per: Ms. Bidisha Banerjee, Member (J):

Heard ld. counsel for both sides.

2. This application has been preferred to seek the following reliefs:

- a) To issue direction upon the respondent to consider the applicant for Old Pension Scheme forthwith.
- b) To issue further direction upon the respondent to consider the applicant for Old Pension Scheme according to Delhi High Court Judgment dated 15.01.2021 in W.P (C) No. 8208/20 for Old Pension Scheme forthwith.
- c) To issue further direction upon the respondent to consider Old Pension Scheme regarding Delhi High Court judgment along with DOPT Circular dated 17.02.2020 forthwith.

- d) To issue quash cancel set-site the impugned order dated 11.01.2021 forthwith.
- f) Any other order or further order or orders has learned Tribunal deem fit and proper.
- g) To produce Connected Departmental Record at the time of Hearing."

3. Brief facts of the case as submitted by ld. Counsel for the applicant are that, the applicant was selected to the post of Postman cadre on the basis of examination conducted in the year 2002 i.e before 01.1.2004. The applicant is aggrieved as he has not been granted the benefits of Old Pension Scheme since he has joined after 01.1.2004.



Ld. counsel submits that it is clear that the vacancy arose in 2002. The applicant joined on 25.1.05, which is after 1.1.04 and applicant made representation dated 26.2.18., but till date, no decision has been taken by the respondent authority. Ld. counsel submits that similarly circumstances persons who joined on 10.1.04 their names have been included in the Old pension scheme.

Earlier the applicant files one original application, namely, O.A 350/880/2018, before this Tribunal which was disposed of on 09.12.2020 with direction to consider the case of the applicant for Old Pension Scheme in the light of DOPT OM dated 17.02.2020. The same was rejected by the respondent authority in their speaking order dated 11.01.2021 without following the guidelines of DOPT dated 17.02.2020. Being aggrieved and highly dissatisfied with the inaction of the respondent authority, the applicant has approached this Tribunal.

4. Respondents have admitted in their speaking order dated 11.01.2021, issued by the Senior Superintendent of Post Offices, South Hooghly Division, Serampore, that the applicant was recruited against the

vacancy year of 2001-2003, yet they have brought him under the ambit of New Pension Scheme.

5. Ld. Counsel for the applicant submits that he would be fairly satisfied if a direction is issued to the competent authority to reconsider the case of the applicant in the light of DOPT OM Dated 17.02.2020 and in terms of the Hon'ble Apex Court decision in UOI Vs. Shabad Prakash Punia SLP (C) NO. 7373/2021 where it has affirmed the decision of the Hon'ble High Court of Delhi in WP 9252/2020 granting benefits under Old Pension Rules of 1972 to persons selected against vacancies of pre 01.01.2004 even where selection was completed after 01.01.2004 i.e after the effective date of New Pension Scheme.

6. Accordingly, with the consent of both the sides, we dispose of this O.A with a direction upon the competent authority to reconsider the case of the applicant in the light of the DOPT circular and judgment supra, and decide the claim of the applicant in accordance with law within a period of 3 months from the date of receipt of copy of this order. In the event the applicant deserve the relief as prayed for, an appropriate order in accordance with law be issued within the said period.

7. It is made clear that we have not entered into the merits of this matter and, therefore, all points are kept open for consideration

8. This OA accordingly stands disposed of. No costs.

(Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member (J)