

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

LIBRARY

Date of Order: 24.02.2021

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

OA. 350/00275/2021

Shri Lakshman Chanda Shit, son of Shri Chintamani Shit, aged about 52 years, residing at Vill- Bagnabarh, P.O. Bagnabarh, P.S. Pingla, Dist- Midnapore, Pin- 721155 and working to the post of GDSMC at Bagnabarh Branch Post Office, Jalchak Sub post Office in the Midnapore Division under the Sr. Supdt. Of Post Offices, Midnapore Division, Midnapore.



OA. 350/276/2021

Shri Chandan Mandal, son of late Khagendra Nath Mondal, aged about 48 years, residing at Vill- Khelna, P.O. Khelna, P.S. Sabang, Dist- Midnapore, Pin- 721166 and working to the post of GDSMC at Khelna Branch Post Office, Lutunia Sub post office in the Midnapore Division under the Sr. Supdt. Of post offices, Midnapore Division, Midnapore.

OA.350/00286/2021

Shri Kanai Lal Shit, son of Shri Panchanan Shit, aged about 60 years, residing at Vill- Beluria, P.O. Beluria, P.S. Pingla, Dist- Midnapore, Pin- 721155 and working to the post of GDSMD at Beluria Branch Post Office, Jalchak Sub post office in the Midnapore Division under the Sr. Supdt. Of post offices, Midnapore Division, Midnapore.

OA. 350/00287/2021

Shri Lakshmi Kanta Chakraborty, son of Shri Binoy Krishna Chakraborty, aged about 60 years, residing at Vill- Bhogpur, P.O. Balichak, P.S. Debra, Dist- Midnapore, Pin- 721124 and retired from service while working to the post of GDSNG at Balichak Sub post office in the theMidnapore Division under the Sr. Supdt. Of post offices, Midnapore Division, Midnapore.

OA. 350/00288/2021

Shri Bimal Shit, son of Shri Haripada Shit, aged about 47 years, residing at Vill- Chakbadalpur, P.S. Badalpur, P.S. Sabang, Dist- Midnapore, Pin- 721166 and working to the post of GDSMD at Khunkhunua Branch Post Office, Lutunia Sub Post office in the Midnapore Division under the Sr. Supdt. of post offices, Midnapore Division, Midnapore.

.....Applicants.

-Versus-

1. Union of India service through the Secretary,
Ministry of Communication and Information

Technology, Department of Posts, 20, Sanchar Bhawan, Ashoka Road, New Delhi – 110001.

2. The Chief Post Master General, West Bengal Circle, YogayogBhavan, C.R Avenue, Kolkata – 700012.

3. The Post Master General, South Bengal Region, YogayogBhavan, Kolkata – 700012.

4. The Additional Director of Postal Services, West Bengal Circle, South Bengal Region, YogayogBhawan, C. R. Avenue, Kolkata- 700012.

5. The Senior Superintendent of Post Offices, Midnapore Division, Midnapore, Pin- 721101.

6. The Inspector of Posts, Balichak Sub-Division, Balichak- 721124, Dist- Midnapore.

.....Respondents.



For The Applicant(s): Mr. P. C. Das, counsel
Ms. T. Maity, counsel
For The Respondent(s): Mr. S. Paul, counsel

ORDER (O R A L)

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

Heard ld. counsel for both sides.

2. Due to parity in the nature of grievance, facts pleaded and relief claimed, these cases are being heard out analogously, upon due notice and with consent of all the sides, to be disposed of by this common order.

3. For the sake of brevity, OA. No. 350/00275/2021 is being delineated and discussed hereunder:

This O.A 275/2021 has been preferred to seek the following relief:

"8(a) To pass an appropriate order directing upon the respondent authority to disburse the actual pay and allowances in connection to the post of GDSMC 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 18.01.2013 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.

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(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 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 OA. 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 and in the light of the latest order dated 04.09.2020 passed by this Hon'ble Tribunal in OA. No. 350/638/2020 in the case of ShriKashinathMondal -vs-Union of India &Ors."

3. As a comprehensive representation has not been preferred earlier, at hearing, both the Ld. Counsel agrees that the matter can be disposed of with liberty to the applicant to prefer comprehensive representation to the competent respondent authorities seeking benefits of O.A 350/638/2020 (Kashinath Mandal vs Union of India & Ors) and O.A 350/1376/2018 (Radhashyam Das vs. Union of India & Ors) enclosing copies of judgments he wishes to rely upon, and a direction upon the respondents to consider and dispose of the same in accordance with law in a time bound manner.

4. Accordingly, the O.A is disposed of with liberty to the applicant to file comprehensive representation to the competent respondent authority seeking benefits supra enclosing relevant judgment he wishes to cite, within a period of 2 weeks from the date of receipt of a copy of this order. In the event such representation is preferred, the competent respondent authority shall consider the same in the light of the judgment supra, in accordance with law and pass appropriate orders within a period of 3 months from the date of such representation. In the event the applicant deserves the relief as prayed for, the same shall be accorded within that period.



5. It is made clear that we have not entered into the merit of the matter and therefore all the points to be raised in the representation shall be open for consideration.

6. The present O.A accordingly stands disposed of. No costs.

(Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member (J)



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