

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA



O.A 350/834/2021

Dated of order: 11.06.2021

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

Shri Manoranjan Shit, son of late Kshudiram Shit, aged about 61 years, residing at Village - Bhisindipur, Post Office - Khelna, Police Station - Sabang, District Paschim Midnapore, Working to the post of GDSMD at Khelna Branch Post Office, Luturia 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,
Ghatal - 721124,
District - Midnapore.
7. The Senior Postmaster, Midnapore Head Post
Office, Midnapore, Pin 721101.

..... Respondents

For the Applicants : Mr. P.C. Das, Counsel
Ms. T. Maity, Counsel

For the Respondents : Mr. B.B. Chatterjee, Counsel

ORDER (Oral)

Per Dr. Nandita Chatterjee, Administrative Member:

The applicant, who has reportedly been discharging duties and functions in the vacant post of GDSMD at Khelna Branch Post Office under Lutura Sub-Post Office in the Midnapore Division, is aggrieved with the fact, that, despite discharging such duties in compliance of the directions of higher authorities, he has been deprived of appropriate pay and allowances, and has approached this Tribunal in the instant O.A and would seek, in particular, the following relief:

- (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 01.03.2019 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 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

hadi

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-5 of this original application."

3. Heard both Id. 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, who is functioning as a GDSMD, was directed from time to time by the higher authorities to discharge duties and responsibilities in the vacant post of GDSMD in Khelna Branch Post Office.

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. 4000/- per month w.e.f. 01.03.2019 in an arbitrary and discriminatory manner. The applicant, in turn, had represented to the competent respondent authority, who, however, failed to decide on the same.

The applicant would further aver that, an identical issue was decided upon by this Tribunal 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.) in which the respondent No. 5 had concluded 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."

hah

5. Ld. Counsel for the applicant would, urge that, as the applicant's grievances praying for similar consideration as Shri Radhashyam Das remains pending, the concerned respondent authority be directed to consider his representation at Annexure A-2 to the O.A., in a time bound manner.

6. Ld. Counsel for the respondents, on instructions, would insist on adjudication on merit.

7. Given the pendency of the representation, and, in the absence of the respondents' decision thereon, however, no useful purpose would be served by entering into the merits of the matter. Hence, we would hereby direct the concerned respondent authority to decide on the said representation (if received at his end), in accordance with law, and, particularly, in the context of the applicant's similarity of circumstances with Shri Radhashyam Das (applicant in O.A 350/1376/2018), 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 the applicant is able to conclusively establish his claim, and, if his grievance is found to be genuine, 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 is disposed of. No costs.

(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

Ss