

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**



O.A/350/934/2021

Date of Order: 04.08.2021

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

Shri Nirmal Kumar Saha, son of Late Kali Pada Saha, aged about 52 years, working as SA Burdwan RMS presently residing at 27/1 Ramlal Dutta Road, Bhadrakali Uttarpara, Hooghly 712232.

--Applicant

--vs--



- 1.) Union of India, service through the Secretary to the Government of India, Ministry of Communication, Department of Post Dak Bhawan, New Delhi – 110001.
- 2.) The Chief Post Master General, Yogayog Bhawan, Yogayog Bhawan, Kolkata – 700012.
- 3.) Senior Superintendent of Post Offices, RMS WB Div. Howrah 711101.

--Respondents

For The Applicant(s): Mr. Argha Chakraborty, counsel
Ms. P. Mondal, counsel

For The Respondent(s): Mr. D. Banerjee, counsel

O R D E R (O R A L)

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

Heard ld. Counsel for both sides at length.

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

"1) Office Order dated 17.06.2021 issued by Senior Superintendent, Howrah, Post Office cannot be sustained in the eye of law and therefore, the same may be quashed.

ii) The decision taken by the Placement Committee rejecting the claim of the applicant cannot be sustained in the eye of law and the same may be quashed.

An Order do issue directing the respondents to consider the prayer of the applicant for his transfer from Burdwan R.M.S. to Howrah R.M.S since his prayer for transfer was entered in the request Registrar and the prayer of the other SAS who made an Application after the applicant was considered."

8

3. At hearing, ld. Counsel for the applicant would submit that the applicant has given his undertaking in accordance with the liberty granted by this Tribunal in the earlier O.A 116/2021 in his representation dated 30.03.2021. However, respondents have rejected his representation on the ground that it was "*not according to the order of the Hon'ble CAT Calcutta, Bench dated 08.03.2021*" (Annexure 9/page 27 to the O.A). Respondents have desired that the undertaking should be given in the format as in page 27 to the O.A.

4. Ld. Counsel for the applicant submits that the applicant is ready to give undertaking in terms of the format; however, it should not prejudice his rights and contentions in regard to OA 371/2020.

5. Both the ld. Counsel agrees that the matter can be disposed of.

6. Accordingly, we permit the applicant to give undertaking without prejudice to his rights and contentions as in the other O.A within a period of 10 days from the date of receipt of a copy of this order. Once such undertaking is given by the applicant, respondents shall place the same before the Placement Committee for appropriate considerations and an appropriate order be issued within a period of 6 weeks thereafter.

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

8. O.A accordingly stands disposed of. No costs.



(Nandita Chatterjee)
Member (A)



(Bidisha Banerjee)
Member (J)

Ss/uj