

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No.T.A.9/1997
(CO.13785/W/85)

Date of order : 21.9.2004

Present : Hon'ble Mr. Sarweshwar Jha, Administrative Member
Hon'ble Mr. Mukesh Kumar Gupta, Judicial Member

1. All India Postal Employees Union,
Class-III (Including E.D.), Calcutta
G.P.O., Branch having its office at
37, Ganesh Chandra Avenue
Calcutta - 13

2. All India Postal Employees Union
(Postman Class IV & E.D.A.),
Calcutta G.P.O. Branch,
having office at 84/1 Bipin Behari
Ganguly Street, Calcutta-12

.....Applicants

VS.

1. Union of India, service through
the Secretary, Ministry of Communication,
Department of Posts, Government of India,
New Delhi

2. The Director General, Directorate of
Posts, Government of India, New Delhi

3. The Post Master General, West Bengal
Circle, Yogayoga Bhavan, Chittaranjan
Avenue, Calcutta-12

4. The Presidency Postmaster, Calcutta
G.P.O., Calcutta - 1

5. The Sr. Deputy Presidency Postmaster,
Office of the Presidency Postmaster,
Calcutta G.P.O., Calcutta-1

6. The Deputy Presidency Postmaster-I
Office of the Presidency Postmaster,
Calcutta G.P.O., Calcutta-1

7. The Deputy Presidency Postmaster-II,
Office of the Presidency Postmaster,
Calcutta-G.P.O., Calcutta-1

8. The Deputy Presidency Postmaster-III,
Office of the Presidency Postmaster,
Calcutta G.P.O., Calcutta-1

9. The Deputy Presidency Postmaster-IV,
Office of the Presidency Postmaster,
Calcutta-I

10. The Deputy Presidency Postmaster-V,
Office of the Presidency Postmaster,
Calcutta G.P.O., Calcutta - 1

.....Respondents

S. V.

For the applicants : None
For the respondents : Mr. B. Mukherjee, counsel

O R D E R

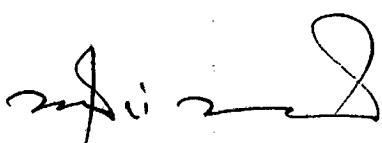
Per Sarweshwar Jha, A.M.

At the very outset a mention has been made by ld. counsel Mr. S.K. Dutta that ld. counsel for the applicants, Mr. Samir Ghosh is no more and no other counsel has been engaged as yet in his place. However, ld. counsel for the respondents is present.

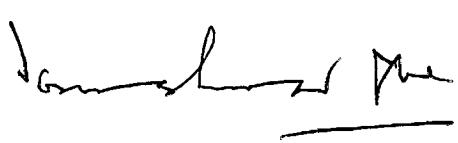
2. On a perusal of the facts of the case as stated in the O.A. it is observed that the prayer which has been made by the applicant relates to cancellation/withdrawal of a memorandum which was issued by the respondents regarding deduction/realisation from the salary of the petitioners for break in service etc.

3. The respondents have, however, stated in their reply that no amount has been recovered from the staff for the period in question. They have further stated in Para 5(iv) that since before issuance of the order of Dies-non, salary for the month of June '85 had been paid, there was no scope for implementation of the order of Dies-non. From this statement, it is thus observed that reference to the period being treated as dies-non by the respondents is not relevant.

4. Having thus observed that reliefs as prayed for by the applicants have in a way already been granted by the respondents, even though they have taken a stand that at a later stage the period of absence could be treated as dies-non, nothing survives in this transferred application. Accordingly the T.A. stands disposed of. The applicants are at liberty to proceed as per law if any of their grievances still survives. No order as to costs.



MEMBER (J)



MEMBER (A)