

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, KOLKATA BENCH, KOLKATA

O. A. No. 350/000 & 39 of 2017

IN THE MATTER OF:

ANIRUDDHA MONDAL,

son of Shri Jagrata Dev Mondal, aged about 24 years, residing at village & Post Office- Nirman
via Swarupnagar, District- 24-Paganas
(North). Pin-743286 and working as Gramik
Dak Sevak Branch Postmaster (GDSBPM),
Sekendarnagar Branch Office under the
Superintendent of Post Offices, Barasat
Division, Kolkata;

...Applicant

-Versus-

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- 110001.

2. THE CHIEF POST MASTER GENERAL,
West Bengal Circle, South Bengal Region,
Yogayog Bhawan, Kolkata- 700012.

WAC

3. THE DIRECTOR OF POSTAL SERVICES,

Kolkata Region, in the office of Postmaster
General, West Bengal Circle, South Bengal
Region, Yogayog Bhawan, Kolkata- 700012

4. THE SUPERINTENDENT OF POST

OFFICES, Barasat Division, Kolkata-
700124;

5. THE ASSISTANT SUPERINTENDENT OF

POSTS, Barasat Sub-Division,
Ganganagar, Kolkata-700132.

... Respondents.

Al

No. O.A. 350/00639/2017

Date of order: 18.8.2017

Present: Hon'ble Mr. A.K. Pattnaik, Judicial Member
 Hon'ble Dr. Nandita Chatterjee, Administrative Member

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

For the Respondents : Mr. S. Paul, Counsel

ORDER (Oral)

A.K. Pattnaik, Judicial Member:

Heard Mr. P.C. Das along with Ms. T. Maity, Ld. Counsel for the applicant and Mr. S. Paul, Ld. Counsel for the official respondents.

2. This OA has been filed by Mr. Aniruddha Mondal challenging the impugned order of put off duty issued by the Assistant Superintendent of Posts, Barasat Sub-Division, Ganganagar, Kolkata as well as order dated 5.2.2016 issued by the Supdt. Of Post Offices, Barasat Division, the impugned order of review of put off duty dated 29.8.2016 issued by the Director of Postal Services, Kolkata Region extending his put off duty for a further period of 90 days, the impugned show cause notice dated 31.8.2016 by which the applicant was informed that disciplinary proceeding will be initiated against him, the impugned office order dated 5.9.2016 by which his put off duty was extended further and also non-consideration of his representation dated 23.5.2016, 29.8.2016, 12.9.2016 and 4.10.2016.

This O.A. has been filed praying for the following reliefs:

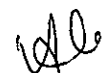
- "a) To quash and/or set aside the impugned order of put off duty issued by the Assistant Superintendent of Posts, Barasat Sub-Division, Ganganagar, Kolkata – 700123 as well as the office order dated 5.2.2016 issued by the Superintendent of Post Offices, Barasat Division being Annexure A-3 of this original application.
- b) To quash and/or set aside the impugned minutes of review of put off duty which was held on 29.8.2016 by the Director of Postal Services, Kolkata Region and extended the order of put off duty for a further period of ~~90 days~~ despite the fact that no charge-sheet has been issued against the present applicant being Annexure A-5 of this original application.
- c) To quash and/or set aside the impugned show-cause notice



dated 31.8.2016 along with the impugned office order No. F-Misc/Review/Put Off duty dated 5.9.2016 issued by the Superintendent of Post Offices, Barasat Division by which the put off duty against the applicant has been extended for a further period of 90 days despite the fact that no charge-sheet has been issued and said extension has been given without assigning any reason which is utter violation of the statutory rules as well as the law rendered by the Hon'ble Supreme Court in the case of Ajay Kumar Choudhary(supra).
d) To pass an appropriate order directing upon the respondent authority to quash and/or set aside the order of put off duty issued by the respondent authority and further directed the respondent department to allow your applicant to resume duty in his respective post and to release all consequential benefits in accordance with the rules."

3. The facts in a nut shell as per Mr. Das, Ld. Counsel for the applicant are that the applicant was appointed on provisional basis to the post of Gramin Dak Sevak Branch Postmaster (GDSBPM), Sekendarnagar Branch Office by the Superintendent of Post Offices, Barasat Division. Thereafter on 5.2.2016 the Assistant Superintendent of Posts, Barasat Sub-Division, Ganganagar, Kolkata issued an impugned order of put off duty against the applicant. The applicant preferred a representation before the respondent authorities for issuance of order of put off duty on 23.5.2016. On 29.8.2016 the Director of Postal Services, Kolkata Region issued the minutes of Review of put off duty which was held on 29.8.2016 and extended his put off duty for a further period of 90 days. Subsequently on 31.8.2016 the respondent authorities issued a show-cause notice for initiating action of disciplinary proceeding against the applicant. On 5.9.2016 the Superintendent of Post Offices, Barasat Division issued an impugned office order by which the put off duty against him has been further extended for a period of 90 days without ex-gratia compensation despite issuing a charge-sheet against the applicant. He preferred a representation on 4.2.2016, which is still pending consideration.

4. Mr. Das, Ld. Counsel for the applicant submitted that the grievance of the applicant would be more or less addressed if a specific order is



passed by directing the concerned authority i.e. respondent No. 4 to dispose of the representation dated 4.2.2016 within a specific time frame.

5. Therefore, we dispose of this O.A. by directing the respondent No.4 that, if any, such representation as claimed by the applicant have been preferred on 4.2.2016 and the same is still pending consideration, then the same may be considered and disposed of within a period of four weeks from the date of receipt of this order.

6. Though we have not entered into the merits of the case still then we hope and trust that after such consideration if the applicant's grievance is found to be genuine then expeditious steps may be taken by the concerned respondent No. 4 within a further period of 4 weeks from the date of such consideration to revoke in put off duty and if he is entitled to take steps for payment of salary, if he is admissible as per rules. However, if in the meantime the said representation stated to have been preferred on 4.2.2016 has already been disposed of then the result thereof be communicated to the applicant within a period of 2 weeks from the date of receipt of a copy of this order.

7. With the aforesaid observation and direction, the O.A. is disposed of.

8. As prayed for by Mr. Das, Ld. Counsel a copy of this order along with paper book be transmitted to the respondent No. 4 by speed post for which Mr. Das undertakes to deposit necessary cost in the Registry by the next week.

(Dr. Nandita Chatterjee)
Administrative Member

(A.K. Pattnaik)
Judicial Member