



An application under Section 19 of the Administration Tribunal's Act,
1985

BETWEEN

Biswanath Seth, Son of Late
Krishna Das Seth, aged about 65
years, residing at Bansberia
Kundu Lane, P.O.-Bansberia,
Dist. Hooghly, PIN-712502.

.... Applicant.

AND

1. Union of India, service through
the Secretary, Ministry of Tele
communication, Department
of Posts, Lak Bhavan, New
Delhi-100 001.
2. The Chief Post Master General
Yogayog Bhavar, C.R. Avenue,
Calcutta -700 012.
3. The Senior Superintendent of
Post Offices, South Hooghly
Division, Srerampore, Dist.
Hooghly-712201.

.... Respondents.

AC

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/350/701/2018

Date of Order: 07.06.2018

Coram: Hon'ble Mr. A.K Patnaik, Judicial Member

For the Applicant(s): Mr. A. Chakraborty, Counsel
: Ms. P. Mondal, Counsel

For the Respondent(s): Mr. P.N Sharma, Counsel

ORDER (ORAL)

Mr. A.K Patnaik, Member (J):

This O.A. filed under Section 19 of the Administrative Tribunals Act, 1985 claiming TBOP/BCR and MACP benefits. In this O.A. the applicant has prayed for quashing of the order dated 07.05.2018 whereby his prayer for such benefits was rejected by the respondent authorities on the ground that "the matter is under subjudice"

2. In the O.A. the applicant has sought for the following reliefs:

- i. Office order no. B-1/75/B.N Seth dated 07.05.2018 cannot be sustained in the eye of law and same may be quashed.
- ii. Extend the benefit of BCR and financial upgradation under 3rd MACP in favour of the applicant as he has already completed 30 years of service from the date of appointment as a Postal Assistant along with all arrears as well as admissible interest;
- iii. Extend the benefit of the order and judgement passed by the Hon'ble Tribunal, Jodhpur Bench in the case of S. Siva Kumar – Versus – Union of India & Ors (O.A. No. 1088 of 2011) in favour of the applicant and to pay him all consequential benefits along with interest;
- iv. Costs of and incidental to this application;
- v. Pass such further or other order or orders; "



3. Heard ld. counsel for both sides.

4. Mr. A. Chakraborty, ld. counsel for the applicant submitted that the applicant made a representation to the Respondent No.3 on 23.04.2018(Annexure A/3) ventilating his grievances therein but received no response till date. Mr. Chakraborty further submitted that the applicant would be satisfied for the present if a direction is given to the Respondent No.3 to consider and dispose of his representation dated 23.04.2018 (Annexure A-3 to the O.A) as per rules and regulations within a specific time frame.

Though no notice has been issued to the respondents, I find that it would not be prejudicial to either of the sides if such prayer of the ld. counsel for the applicant is allowed.

5. Accordingly, the Respondent No. 3 i.e. the Sr. Superintendent of Post Offices, South Hooghly Division, Sserampore, Dist. Hooghly is directed to consider and dispose of the representation of the applicant dated 23.04.2018 (Annexure A-3 to the O.A) keeping in view the rules and guidelines governing the field within a period of 6 weeks from the date of receipt of a copy of this order and communicate the decision to the applicant forthwith.

6. Though I have not gone into the merit of the matter, after such consideration, if the applicant is found to be entitled to the benefits as claimed in his representation, he may be granted the same within a further period of 6 weeks from the date of taking decision in the matter.

7. With the above observations and directions, the O.A stands disposed of. No cost.

8. As prayed, a copy of this order be handed over to ld. counsel for both sides.

(A.K Patnaik)
Member (J)