



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

O.A. No. 350/817 of 2017

Sumit Ghosh,

son of Subrata Ghosh, aged about 21

years, working as Extra Departmental

Gramin Dak Sevak, Branch Post 4304

Nimdanga Branch Post Office under North

Hooghly Division, Chinsurah, Dist.

Hooghly, Pin- 712101, residence at

Vill. Deorah, P.O. Raithpur, P.S.

Dhaniakhali, Dist. Hooghly,

pin- 712402.

1818 Applicants

-Versus-

1. Union of India, service through the

Secretary, Department of Posts

Ministry of Communication, Dak Bhawan,

Sansad Marg, New Delhi- 700001.

2. The Chief Post Master General,

Yogayog Bhawan, 12, C.R. Avenue,

Kolkata- 700012.

3. Superintendent of Post Offices,

North Hooghly Division, Chinsurah,

Dist. Hooghly, Pin- 712101.

.... Respondents

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**CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH**

No. OA 350/817/2017

Date of order : 17.7.2017

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

For the applicant : Mr.T.K.Biswas, counsel

For the respondents: Ms.D.Nag, counsel

O R D E R (ORAL)

A.K.Patnaik, Judicial Member

Heard Mr.T.K.Biswas, Id. Counsel appearing for the applicant and Ms.D.Nag, Id. Counsel appearing for the respondents.

2. The applicant has approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs :

- a) An order directing the respondents, the office order dated 5.5.2017 (Annexure A/6) passed by the respondent No.3 is not tenable in the eye of law and the same may be quashed;
- b) An order do issue directing the respondents not to give any effect or further effect to the order dated 5.5.2017 (Annexure A/6) and to take steps for promotion of the applicant to the post of Postman against the vacancy year 2016-17 in pursuance of the office order dated 20.12.2016 (Annexure A/1 coll) issued by the respondents;
- c) An order directing the respondents to produce all the relevant records of the case before this Hon'ble Tribunal at the time of hearing;
- d) Any other or further order or orders as to your Lordships may deem fit and proper.

3. The brief facts of the case are as follows :

The applicant has filed the instant application for a direction upon the respondents Postal Authority not to give any effect or further effect to the impugned order date 5.5.2017 (Annexure A/6) which is not tenable in the eye of law and so that the same may be quashed and also to take steps for promotion of the applicant as Postman against the vacancy year 2016-17 in pursuance of the office order dated 20.12.2016 (Annexure A/1) to this application issued by the respondent No.5.

4. I find that the applicant has not ventilated his grievance before any authority before approaching this Tribunal. On being questioned Mr.Biswas, Id. Counsel for the applicant submitted that though the result of the selection

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process was published in the year 2016 and after that proper medical test and document verification were conducted, but all of a sudden his name has been excluded and other persons have been appointed.

5. On being questioned as to how this OA is maintained being hit by Section 20 of the Administrative Tribunals Act as I find that the applicant has not yet ventilated his grievance before any authority and no departmental remedy has been availed by him, Mr.Biswas submitted that the applicant may be given liberty to prefer a comprehensive representation addressed to respondent No.3 within a period of 2 weeks from today and a specific time frame may be fixed for disposal of the said representation.

6. Therefore without entering into merit, I think it will not be prejudicial if the OA is disposed of by granting liberty to the applicant to make a comprehensive representation ventilating his grievance before the respondent No.3 within a period of 2 weeks and the same may be considered as per the rules and regulations in force and result be communicated to the applicant by way of a well reasoned order within 6 weeks from the date of receipt of this order.

7. Though I have not expressed any opinion on the merit of the case, still then I made it clear that, if the grievance of the applicant is found to be genuine, the respondent authorities may take necessary steps for redressal of the grievance of the applicant.

8. Mr.Biswas submitted that one post may be kept vacant till the disposal of the comprehensive representation to be preferred by the applicant.

9. As the OA is being disposed of without entering into merit, I am not in a position to accede to such a prayer. However, I make it clear that even if all the posts are filled up, it shall abide by the result of the disposal of the representation.

10. As prayed for by Id. Counsel for the applicant, a copy of this order along with the paper book of this OA be transmitted to respondent No.3 by Speed Post for which he will deposit the cost with the Registry within a period of one



week. A free copy of this order be handed over to the ld. Counsel for the respondents.

11. With the aforesaid observations the OA is disposed of. No order is passed as to costs.

(A.K.PATNAIK)
JUDICIAL MEMBER

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