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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CALCUTTA BENCH, CALCUTTA

O.A. NO. 350/01003/ OF 2017

In the matter of :

Rabin Chandra Chanda, age 42 years,
son of Late Khilish Chandra Chanda working
as GDSMP in the Italgacha Post Office near
Air Port under SSPO North Presidency Division,
Barrackpore, 24-Parganas (N) residing at
5A, Khalisha Kota Pally, P.O. Birati, Calcutta -
700051.

..... Applicant

- Versus -

1. Union of India through the Secretary, Govt.

of India, Ministry of Communication and
Information Technology, Department of
Post, 20, Sanchar Bhavan, Ashoka Road,
New Delhi -110001.

2. The Chief Post Master General, West

Bengal Circle, South Bengal Region, Jogayog
Bhavan, Chitta Ranjan Avenue, Kolkata 70012.
Chitta Ranjan Avenue, Kolkata 700012.

3. The Senior Superintendent of Post Offices,
North Presidency Division, Barrackpore,
24-Parganas (North), Pin - 700110.
4. The Post Master, Italgacha Post Office,
near Air Port under SSPO North Presidency
Division, Barrackpore, 24-Parganas(N).
5. The Assistant Superintendent of Post Office,
Belghoria Sub-division, Department of Posts
India, Ariadaha, Calcutta - 700057.

..... Respondents

all

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

No. O.A. 350/01003/2017

Date of order: 21.7.2017

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

For the Applicant : Mr. P.C.Das, Counsel

Ms.T.Maity, counsel

For the Respondents : Mr.M.K.Ghara, Counsel

ORDER (Oral)

Per A.K. Patnaik, Judicial Member:

Heard Ld. Counsel appearing for the applicant and Ld. Counsel appearing for the official respondents.

2. This O.A. has been filed by Shri Rabin Chandra Chanda, working as GDSMP in the Italgacha Post Office challenging non-consideration of his case either for granting temporary status or for regularization against the post in which he is discharging duties and functions for more than 22 years with effect from 1995 without any adverse remarks and till now discharging duties and also non-consideration of his representation dated 25.7.2016 and 2.5.2017 preferred before the authorities for granting him temporary status and for regularizing him in the said post w.e.f. 1995 in the light of the judgment of the Hon'ble Supreme Court.

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

"a) To pass an appropriate order by directing upon the official respondent either for granting temporary status or for regularization in favour of the applicant who has been discharging duties and function to the post of GDSMP to the concerned Post Office from 6 P.M. to 6 A.M. from 1995 till today without getting temporary status or regularization the said post and there is an unblemished record of service in respect of duties and function of the said post office for last 22 years along with all consequential benefits.

b) To pass an appropriate order directing upon the respondent authority to grant temporary status and/or regularization in light

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of representations preferred by the applicant as per Annexure A-2 and A-3 of this original application and according to the decision of the Hon'ble Supreme Court which your applicant has been referred in his representation for granting status in the said post against which your applicant discharging duties and function to the Post Office without any adverse remark for last 23 years.

c) To quash and/or set aside the impugned advertisement which the Department has published by depriving the in house candidate for more than a decades and without considering the temporary status or regularization now they are going to fill up vacancies by giving advertisement dated 23-19.04.2017 without considering their case by snatching the livelihood of the applicant which is absolutely arbitrary and illegal by quashing and/or setting aside the said advertisement till the regularization and/or temporary status in favour of the applicant;

d) Costs;

e) Any other appropriate relief or reliefs as your Lordships may deem fit and proper."

3. The facts in a nut shell as per Mr. P.C. Das, Ld. Counsel for the applicant are that the applicant is discharging the duties and functions of the post of Italgachi Post Office w.e.f. 1995 under Sr. Superintendent of Post Office, North Presidency Division, Barrackpore under the control and authority of the Assistant Superintendent of Post Offices, Belghoria, Ariadaha, Calcutta. The applicant is working in the said post for more than 22 years but the department did not consider his case for granting temporary status and/or regularization against a sanctioned post. The applicant preferred representations on 25.7.2016, which are still pending consideration.

4. Mr. P.C. 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 Nos. 2 & 3 to dispose of the representations dated 25.07.2016 within a specific time frame.

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5. I think it appropriate to dispose of this O.A. without waiting for reply by directing the respondent Nos. 2 & 3, that if such representations have been preferred on 25.07.2016 and the same is still pending consideration, then those may be considered and disposed of by way of a well-reasoned order within a period of six weeks from the date of receipt of a copy of this order under communication to the applicant and if after such consideration, the applicant's grievance is found to be genuine, then expeditious steps may be taken within a further period of six weeks to extend those benefits to the applicant. However, if in the meantime, the representations stated to have been preferred on 25.07.2016 have already been disposed of then the result be communicated to the applicant within a period of two weeks from the date of receipt of a copy of this order.

6. I make it clear that I have not gone into the merits of the matter and all points are kept open for the respondents to consider the same as per the rules and regulations in force.

7. A copy of this order along with paper book be transmitted to the respondent No. 2 & 3 by speed post for which Mr. Das undertakes to deposit necessary cost in the Registry by next week.

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

(A.K. Patnaik)

Judicial Member