

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, 234/4 A.J.C Bose Road Nizam Palace Kolkata**



ORDER SHEET

COURT NO. : 1

29.08.2018

O.A./350/1280/2018
(A)

KANJIKA DAS

-V/S-

BHARAT SANCHAR NIGAM LTD

ITEM NO:12

FOR APPLICANTS(S) Adv. :

Mr. C.Sinha

FOR RESPONDENTS(S) Adv.:

Notes of The Registry	Order of The Tribunal
	<p>Heard Mr. C.Sinha, Ld. Counsel for the applicant.</p> <p>2. This O.A. has been filed under Section 19 of the Administrative Tribunals Act, 1985 with the following prayers:</p> <p style="padding-left: 40px;">“To set aside and quash impugned letter No. P-4/649/Conf/6 dated 26.07.2018 issued by DGM (S&M-II), BSNL WBTC, Kolkata.</p> <p style="padding-left: 40px;">To set aside and quash impugned letter No. P-4/649/Conf/07 dated 26.07.2018 issued by DGM (S&M-II), BSNL WBTC, Kolkata.</p> <p style="padding-left: 40px;">To direct the respondents to cause them to act in terms of letter dated 28.06.2018 and to release the salary of the applicant w.e.f 04.08.2017.</p> <p style="padding-left: 40px;">To direct the respondents to allow the applicant to continue in the post of Sr. TOA (TG).</p> <p style="padding-left: 40px;">Any other order or orders as the Hon'ble Tribunal deems fit and proper.”</p> <p>3. Brief facts of the case of the applicant are that he is suffering from psychiatric disorder namely Paranoid Schizophrenia from 2002 which aggravated in the year 2010 and as such applicant was unable to attend office w.e.f 05.03.2010 to 03.08.2017. That applicant was directed vide letter dated 07.07.2017 to join office which she complied with on being declared fit by the concerned Doctor and joined office on 04.08.2017 and has been performing her duties effectively. Though, the applicant was performing her duties but her salary was not paid and letter dated 28.06.2018 was issued by the competent authority to release her salary. While the matter stood thus, impugned letters dated 26.07.2018 was issued whereby the joining application of the applicant has been denied retracting from the promise as advanced in letter dated 07.07.2017.</p> <p>4. Ld. Counsel for the applicant submitted that the applicant ventilated her grievance before Respondent No.4 on 28.07.2018 (Annexure-A/8) but that has not yet been considered and is still pending for consideration. Ld. Counsel for the applicant submitted that the</p>

grievance of the applicant may be redressed if a specific direction is given to Respondent No.4 to consider the said representation under Annexure-A/8 within a specific time frame.

5. Taking into account the submissions made by Ld. Counsel for the applicant, I do not think that it will be prejudicial to either of the sides if this O.A. is allowed to be disposed of. Accordingly, without going into the merit of the matter, I dispose of this O.A. by directing Respondent No.4 to consider the representation as at Annexure-A/8 dated 28.07.2018, if any such representation has been preferred and is still pending consideration, and pass a reasoned and speaking order within a period of six weeks from the date of receipt of copy of this order. I also make it clear that till the order is communicated to the applicant, no further coercive action will be taken against the applicant.

6. Although, I have not expressed any opinion on the merit of the matter and all the points raised in the representation, stated to have been made and is still pending consideration before Respondent No.4, will be considered as per Rules and Regulations in force, still then I hope and trust that if after such consideration the case of the applicant is found genuine then expeditious steps may be taken by the Official Respondents to grant him admissible settlement dues within a further period of three months therefrom. However, I also make it clear that if in the meantime the said representation under Annexure-A/8 has already been considered and disposed of then result of the same be communicated to the applicant within a period of two weeks from the date of receipt of this order.

7. With the aforesaid observation and direction, this O.A. stands disposed of. No costs.

8. As prayed for by Ld. Counsel for the applicant, copy of this order along with paperbook be transmitted to Respondent No.4 by Speed Post for which he undertakes to deposit the cost with the Registry by 03.09.2018.

9. Free copies of this order be handed over to the Ld. Counsels for both the sides.

(A.K. PATNAIK)
MEMBER (J)

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