

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH**

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OA/350/1325/2018
M.A/350/649/2018

Date of Order: 05.09.2018

Coram : Hon'ble Dr. (Ms.) Nandita Chatterjee, Administrative Member

1. Bharatiya Postal Employees Association, Affiliated to Bharatiya Mazdoor Sangha & Bharatiya Postal Employees Federation, Murshidabad Division, Berhampore Head Post Office, P.O & P.S – Berhampore, Dist – Murshidabad, Pin – 742101.
2. Md. Khalequzzaman, Son of Late Md. Afsar Ali, working for gain as Postal Assistant, Berhampore Head Office, P.S Berhampore, Dist – Murshidabad.
Presently residing at Don Bosco Nagar, P.O – Boalia Danga Via Cossim Bazar Raj, Dist – Murshidabad, Pin – 742102.
Permanently residing at Village – Kanaipur, P.O – Anantapur – Kanaipur Via Kurugram, Dist – Birbhum, Pin – 731242.
Secretary, Bharatiya Postal Employees Association, Affiliated to Bharatiya Mazdoor Sangha & Bharatiya Postal Employees Federation, Murshidabad Division, Berhampore Head Post Office, P.O & P.S – Berhampore, Dist – Murshidabad, Pin – 742101.

---Applicants

-Versus-

1. Union of India, service through the Secretary, Ministry of Communication, Department of Post, Dak Bhawan, New Delhi – 110001.
2. The Director General, Department of Post, Dak Bhawan, New Delhi – 110001.
3. The Chief Post Master General, West Bengal Circle, Yogayog Bhawan, Kolkata – 700012.
4. The Assistant Director of Postal Services (Estt & PM), Office of the Chief Post Master General, West Bengal Circle, Yogayog Bhawan, Kolkata – 700012.
5. The Superintendent of Post Offices, Murshidabad Division, P.O & P.S – Berhampore, Dist – Murshidabad, Pin – 742101.

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----Respondents

For the Applicant(s) : Mr. P.K.Chatterjee, Ms. C.Mukherjee

For the Respondent(s) : Mr. S.Paul

O R D E R (Oral)

Per Dr. Nandita Chatterjee, Administrative Member:

Ld. Counsel for the applicants is present. Mr. S.Paul, Ld. Counsel for the Respondents, files his memo of appearance.

2. M.A. No 649/2018 arising out of O.A.No. 1325/2018 praying for joint prosecution of this case is allowed and is disposed of accordingly.

3. According to the Ld. Counsel for the applicant, the instant O.A. has been filed seeking the following relief:

- " (a) An order directing commanding and/or directing the respondent authorities to set aside and/or quash and/or withdraw the order being Memo No. B-2A/2017-18 dated 24.8.18 issued by Supdt. of Post Offices, Murshidabad Division being Annexure - "D" of this application forthwith;
- (b) To consider the representation dt. 27.8.18 made by the applicant No. 2 herein being Annexure - "E" of this application and by considering the same directing the concerned respondents to withdraw the transfer order forthwith.
- (c) Praying leave before Your Lordships to move this application jointly;
- (d) Any other or further order or orders as to this Hon'ble Tribunal may deem fit and proper."

4. Ld. Counsel for the applicant submits that, in the relief sought for, a prayer has been made for consideration of the representation dated 27.08.2018 made by applicant no.2, who is the Divisional Secretary, Gr. C BPEA, Murshidabad Division, and a direction be passed on the Respondent authorities to dispose of the same within a specific time frame.

5. Ld. Counsel for the Respondents argues that despite the fact that discrimination has been alleged in the O.A. and, particularly, in paragraph

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5(l) of the O.A., incumbents named therein have not been impleaded in the instant O.A. Ld. Counsel for the Respondents further submits that individual representations are required to be preferred by each of ~~the~~ incumbents, who are reportedly affected by the rotational transfer.

6. Accordingly, with the consent of the parties and, without entering into merit of the matter, I grant liberty to the incumbents, who claim to be affected by the said rotational transfer order dated 24.08.2018 (Annexure-D to the O.A.) to prefer individual representations to the competent Respondent authority, viz. Superintendent of Post Offices, Murshidabad Division, who is Respondent No.5, with the understanding that the representations are being made by members of applicant No.1 in the O.A., within a period of two weeks from the date of receipt of copy of this order.

7. Respondent No.5, viz. Superintendent of Post Offices, Murshidabad Division, on receipt of such individual representations, would dispose of the same in accordance with law by issuing reasoned and speaking orders within a period of four weeks therefrom, by granting the individuals who have so represented, an opportunity of being heard. Decisions arrived at are to be communicated forthwith to the incumbents preferring such representation and, till the representations are disposed of, no coercive action will be taken against the transferees who have preferred representations to Respondent No.5.

8. With this, the O.A. is disposed of. There will be no orders as to costs.

(Dr.NanditaChatterjee)
Member (A)

RK/PS