

**CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH**



No. O.A. 1585 of 2010

Date of order: 16.2.2016

**Present : Hon'ble Justice Shri Vishnu Chandra Gupta, Judicial Member
Hon'ble Ms. Jaya Das Gupta, Administrative Member**

KADRUL BASAR

VS.

UNION OF INDIA & ORS. (Posts)

For the Applicant : Mr. A. Chakraborty, Counsel

For the Respondents : Ms. M. Bhattacharyya, Counsel

ORDER (Oral)

Justice Shri Vishnu Chandra Gupta, Judicial Member:

Heard the Ld. Counsel for the petitioners and Ld. Counsel for the respondents.

2. The sole controversy in this matter is that benefit of TBOP and BCR Scheme to the present petitioner was not granted for the reasons that he was not party to the lis in which the benefit of this two was accorded to other employees of the same department. It is contended by Ld. Counsel for the respondents that by virtue of the judgment rendered by this Tribunal in O.A. 1148 of 2003 which was filed by Amarendra Nath Pal and 19 ors. the Postal Department filed Writ Petition against the Tribunal's order in the Hon'ble High Court of Calcutta having WP No. 553 of 2005. The Writ Petition was dismissed vide order dated 23.1.2005. Thereafter the benefit of the same has been extended to Amarendra Nath Pal & ors., the applicants of that case w.e.f. 1.8.91 and 8.10.91 respectively under TBOP Scheme and BCR Scheme.

3. The Ld. Counsel for the respondent submits that the matter is subjudiced before the Apex Court as the order of High Court is challenged in Supreme Court

but it is pertinent to mention here that the order has already been implemented by the Department and in view of implementation of the order by the department now the applicants sought equal benefit which was given to the others who are similarly situated. in view of the Apex Court judgment in Maharaj Krishna Bhatt v. State of J&K (2008) 9 SCC 24.

3. It is also pertinent to mention here that in the impugned order by which the benefit has been denied to the applicant and marked as Annexure A-6 to the O.A. it is clearly mentioned that at the stage of LDCE the present petitioner was senior to Amarendra Nath Pal how he became junior has not been disclosed in the order itself.

4. In view of the above, we are of the view that the impugned order declining the benefit to the petitioner is not sustainable and is, accordingly, set aside. The similar benefits should also be extended to the applicant within two months from the date of receipt of a copy of this order. However, it is made clear that this order will be subject to judgment of the Hon'ble Supreme Court in Union of India & ors. v. R.K. Chaudhuri & ors.

5. The O.A. is, accordingly, disposed of. There shall be no orders as to costs.

(Jaya Das Gupta)
MEMBER(A)

(Vishnu Chandra Gupta)
MEMBER(J)

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