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CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. OA 350/113/2017

Date of order : 12.4.2017

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

BRAJA BALLABH SAHA
Ex-Senior Welfare Officer,
Calcutta Telephones,
S/o Late Ramesh Chandra Saha,
R/o 48 N.K.Ghosal Road,
P.O. & P.S. - Kasba,
Kolkata - 700042.

...APPLICANT

VERSUS

1. Union of India, through
The Chief General Manager,
Calcutta Telephones (BSNL),
34 B.B.D. Bag (S),
Kolkata - 700001.
2. The Principal Controller of
Communication Accounts,
Calcutta Telephones,
Department of Telecommunications,
Govt. of India,
8 Hare Street,
Kolkata - 700001.
3. The Dy. Controller of
Communication Accounts (Legal),
Calcutta Telephones,
Department of Telecommunications,
Govt. of India,
8 Hare Street,
Kolkata - 700001.
4. The Assistant Controller of
Accounts (Pension Grievances),
Calcutta Telephones,
Department of Telecommunications,
Govt. of India,
8 Hare Street,
Kolkata - 700001.
5. Sr. Communication Accounts
Officer (Pension),
Office of the Principal Controller
Of Communication Accounts,
Calcutta Telephones,
Department of Telecommunications,
Govt. of India,
8 Hare Street,
Kolkata - 700001.

6. Sr. Accounts Officer (DOT Cell)
Office of the Principal Controller
Of Communication Accounts,
Calcutta Telephones,
Department of Telecommunications,
Govt. of India,
8 Hare Street,
Kolkata - 700001.
7. The Chief Post Master General,
West Bengal Circle,
Yogayog Bhawan,
Kolkata - 700012
8. The Sr. Accounts Officer.
(Pension - II),
Office of the General Manager (PA F),
Yogayog Bhawan,
Kolkata - 700012.
9. Sr. Superintendent of Post Offices,
South Calcutta Division,
Kolkata - 700029.
10. The Postmaster
Tollygunge Head Post Office,
Kolkata - 700033.
11. The Postmaster,
Dhakuria Post Office,
Kolkata - 700031.

...RESPONDENTS.

For the applicant : Mr.A.Pradhan, counsel

For the respondents: None

O R D E R

Mr.A.K.Patnaik, J.M.

Heard Mr.A.Pradhan, Id. Counsel appearing for the applicant. None appeared for the respondents.

2. This OA has been filed by the applicant challenging inaction and/or non-action on the part of the respondent authorities, under Section 19 of the A.T.Act, 1985 seeking the following reliefs :

- a) Quashing and setting aside the letters dated 20.5.2016 and 8.7.2016 issued by the respondent No.10, the Postmaster, Tollygunge Head Post Office being No. A-2/Pen/Restoration Comm./Braja Ballabh Saha. In view of the similar matter the Hon'ble Supreme Court solemn orders passed in case of Syed Abdul Qadir & Ors. -vs- State of Bihar & Ors., 2009 and another

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recent order and judgment passed by the Hon'ble Supreme Court in the State of Punjab & Ors. etc. -vs- Rafiq Masih (White Washer) 2014. Refunded the applicant deduction money from the applicant pension from 23.6.2016 of Rs.17,000/- and/or Rs.15,000/- per month and to give full pension on and from 1.4.2016 as well as effect of the 7th Pay Commission in the applicant pension which is not effect and the other pensioner got that effect.

b) Any other relief or further reliefs that the applicant may be bound to be entitled.

c) Cost of and incidental thereto.

3. On being questioned as how this OA in the present form is maintainable before this Tribunal due to the provisions of Section 20 of CAT Act Mr. Pradhan, ld. Counsel for the applicant fairly submitted that he wants to make a comprehensive representation addressed to respondent No.11 within a period of one week and that the grievance of the applicant will be more or less addressed if a direction is issued to the respondent No.11 to consider the representation to be filed by the applicant and pass appropriate orders within a specific time frame.

4. I do not think it will be prejudicial to either of the sides if such a direction is given and accordingly without awaiting for reply from the respondent authorities and without entering into the merits of the case, the OA is disposed of at the admission stage by directing the applicant to file a comprehensive respondent addressed to respondent No.11 and if any such representation is preferred by the applicant, the concerned respondent will consider the same keeping in mind the different OMs issued by the departmental authorities from time to time as well as the well settled position of law and refix his pension if it is admissible and refund the amount so deducted from the pension of the applicant within a period of six months from the date of receipt of this order.

5. As prayed for by Mr. Pradhan, ld. Counsel for the applicant, the applicant is granted liberty to annex the copy of this order along with the relevant OMs and judgments passed by different Courts of Law, with the comprehensive representation to be made by the applicant.

W/o

6. With the aforesaid observation and direction the OA is disposed of at the admission stage itself. No costs.

(A.K.PATNAIK)
MEMBER (J)

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