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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

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NIZAM PALACE COMPLEX

KOLKATA - 700 020

APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE TRIBUNAL
ACT, 1985

O. A. No. 350/1745 of 2017

BETWEEN

MURALIDHAR CHATTERJEE

.. Applicant

AND

THE UNION OF INDIA & ORS.

.. Respondents

DETAILS OF THE APPLICATION

Particulars of the Applicant

: Muralidhar Chatterjee,

son son of Late Rampada Chatterjee

Residing at 101, Kashinath Dutta Road,

Kolkata - 700036.

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Particulars of the Respondents:

- i) The Union of India, service through the Secretary, Department of Posts, Ministry of Posts and Communications, Dak Bhawan, Sansad Marg, New Delhi - 110001.
- ii) The Chief Postmaster General, West Bengal Circle, Kolkata - 700001.
- iii) The Postmaster General, Kolkata Region, Kolkata - 700012.
- iv) The Senior Superintendent of Post Offices, South Kolkata Division, Kolkata - 700029.

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CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH
KOLKATA

No.O A /350/1745/ 2017

Date of order:21.05.2018

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

For the applicant : Mr. S. Banerjee, counsel

For the respondents : Mr. T.K. Chatterjee, counsel

ORDER (Oral)

A.K. Patnaik , Judicial Member

This O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:

"8.(a) An order be passed directing the respondent authorities concerned to immediately set aside or cancel or rescind the charge sheet vide Memo No. FD6-07/SB/92-93/Cb-ID dated 31.01.2006 and the impugned disagreement of Respondent No. 1 to the enquiry report;

(b) An order be passed directing the respondent authorities concerned to forthwith disburse the retiral dues of the applicant such as provident fund, gratuity and full pension including arrears thereto and the arrear salaries during his suspension period treating the same as period spent on duty."

2. Heard Id. counsel Mr. S. Banerjee for the applicant. Id. Counsel for the respondents Mr. T.K. Chatterjee is also present and heard.

3. At the outset, Id. counsel for the applicant Mr. S. Banerjee submitted that a disciplinary proceeding was initiated against the applicant on the basis of certain allegations during his service period and though the applicant retired from service on superannuation w.e.f. 31.01.2006 and was exonerated from all the charges levelled against him by the Learned Trial Court and also by the enquiry Officer appointed by the Department, he has not paid his retiral dues such as provident fund, gratuity and full pension including arrears of his salary till date.



4. With the add assistance Mr. S. Banerjee, Id. counsel for the applicant I find that vide order dated 28.06.2017 (Annexure A-2) Ld. Trial Court (CBI Court) has already exonerated the applicant from all the charges levelled against him. I also find that the disciplinary proceedings which was initiated against the applicant has already been concluded with the observation of the enquiry officer vide his report dated 11.11.2013(Annexure A/4) whereby the applicant was exonerated from all the allegations. It is submitted by Mr. Banerjee that being exonerated from all the charges, the applicant made a comprehensive representation to the authorities concerned on 15.09.2017 (Annexure A-5) inter alia praying for disbursement of his retiral dues such as provident fund, gratuity and full pension including his arrear salary but till date neither he received any response from the respondents nor the said dues were reimbursed to him..

5. On the other hand, Mr. T.K. Chatterjee appearing for the official respondents has prayed for some time to obtain instructions in this regard from the departmental authorities.

6. Mr. Banerjee, Id. counsel for the applicant submitted that the applicant would be satisfied if a direction is given to the authorities concerned to consider and dispose of his representation as per rules within a specific time frame.

7. I find that applicant is a senior citizen who retired long back on 31.01.2006 and has not been paid his retiral dues till date though he was exonerated from all the charges levelled against him. Therefore, I find it would not be prejudicial to either of the parties if the respondent authorities are directed to consider the representation of the applicant dated 15.09.2017 (Annexure A-5) as per rules and

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regulations within specific time frame, if the same is still pending for consideration.

8. Accordingly, the respondent Nos.(ii) or (iii) or (iv) is hereby directed to consider and dispose of the representation of the applicant dated 15.09.2017 (Annexure A-5), if so pending, keeping in mind the order of the Learned Trial Court (CBI Court) as well as the report of the enquiry officer dated 11.11.2013 by passing a well reasoned order as per rules and regulations governing the field within a period of six weeks of receipt of this order and communicated the result to the applicant forthwith. After such consideration if the grievance of the applicant is found to be genuine then expeditious steps may be taken by the respondent authorities to grant the consequential benefits to him within a further period of six weeks from the date of taking decision in the matter.

9. It is made clear that I have not gone into the merits of the matter and the all the points are kept open for consideration by the respondent authorities as per rules and regulations governing the field.

10. With the aforesaid observations and directions, the O.A. stands disposed of.

11. As prayed by Id. counsel for the applicant, a copy of this order along with the paper book may be transmitted to the respondent Nos. 2, 3 and 4 by the Registry for which Id. Counsel for the applicant undertakes to deposit the cost by Friday i.e. 25.05.2018.

(A.K. Patnaik)
Member (J)