

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH



No. O.A. 350/175/2012

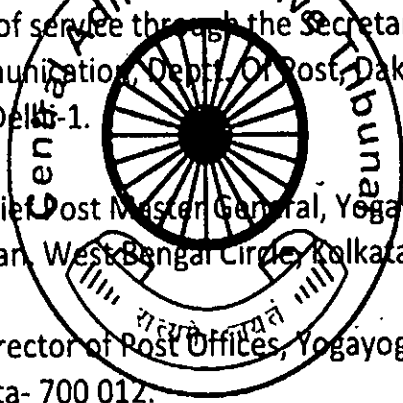
Date of Order: 23.03.2018

Present: Hon'ble Ms. Manjula Das, Judicial Member  
Hon'ble Dr. Nandita Chatterjee, Administrative Member

Sri Kripendra Kishore Chakraborty, son of  
Late Mahendra Kumar Chakraborty, now  
residing at 6/24, Bibek Nagar, Charu Niketan,  
Kolkata- 700 075, aged about 78 years, retired  
as Asst. Postmaster under Sr. Supdt., South  
Kolkata Division.

.....Applicant.

-versus-

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1. Union of service through the Secretary, M/o  
Communication, Deptt. Of Post, Dak Bhawan,  
New Delhi-1.
  2. The Chief Post Master General, Yogayog  
Bhawan, West Bengal Circle, Kolkata- 700 012.
  3. The Director of Post Offices, Yogayog Bhawan,  
Kolkata- 700 012.
  4. The Senior Superintendent of Post Offices, South  
Kolkata Division, Kolkata- 700 029.

.....Respondents.

For the Applicant : Mr. J.R. Das, Counsel

For the Respondents : Ms. P. Goswami, Counsel

ORDER (Oral)

Per Ms. Manjula Das, Judicial Member:

Heard Mr. J.R. Das, learned counsel for applicant and Ms. P. Goswami,  
learned counsel for respondents.

2. The applicant has approached before this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:

"8(a) Direction upon the respondents concerned i.e. the Sr. Superintendent of Post Offices, South Calcutta Division to release the GPF amount of the applicant in view of the office memo dated 22.11.2011 issued by the concerned respondent asking the applicant to submit the filled up papers and documents so as to enable the concerned respondent to release his GPF money, within a time frame fixed by the Hon'ble Tribunal, pending disposal of the instant application;

(b) Direction upon the respondents concerned and each one of them to take all necessary steps to expedite the final payment of GPF money of the applicant, pending disposal of the instant application;

(c) Direction upon the respondents concerned to send up to this Hon'ble Tribunal all records relating to the instant case, so that conscionable justice may be done.

(d) Any other order or further order may be passed as your Lordships may deem fit and proper for the ends of justice."

3. Brief facts of this case has narrated by the counsel for the applicant in this OA are that the applicant while working as Postal Assistant at Jadavpur University Post Office was dismissed from service on 22.11.1998. The applicant had filed an appeal to the appellate authority against the order of the dismissal from service which was also dismissed by an order dated 02.09.1986. Being highly aggrieved and dissatisfied with such action of the respondent authorities, the applicant had filed an application before this Tribunal under Section 19 of the Administrative Tribunals Act 1985 being O.A. No. 79 of 1987 which was dismissed vide order dated 10.08.1989. Challenging the said order of the Tribunal the applicant filed an SLP before the Hon'ble Supreme Court and the said SLP was dismissed by the Hon'ble Apex Court vide order dated 08.01.1990.

The grievance of the applicant in this case is that the respondent authorities have not paid the GPF amount to which the applicant is legally entitled

to. It is submitted by the Id. counsel for the applicant that the applicant repeatedly requested for release of GPF amount and also sent advocates notice dated 12.08.2011 requesting for payment of GPF and other dues but no action has been taken by the respondent authorities for payment of such dues. It is further submitted by Id. counsel for the applicant that the Senior Superintendent of Post Offices, South Kolkata Division, Kolkata sent a communication dated 22.11.2011 enclosing some blank papers asking the applicant to submit those documents after duly filling up the same. Accordingly, the applicant send back those papers and documents to the concerned respondent authorities after duly filling up the same by registered post and AD card has also been received by him. Id. Counsel for the applicant submitted that the respondents have not made any endeavour to release the GPF money and other dues to the applicant till date. Hence, the applicant has approached this Tribunal seeking the aforesaid reliefs.

4. The respondents have filed reply statement denying the claim of the applicant. The respondent authorities have stated in their reply statement that the applicant was dismissed from service in the year 1985 and all records could not be traced. However, it is stated by the respondents that after receiving the representation of the applicant dated 12.08.2011 for payment of GPF money, necessary action has been taken for payment of the sum and the matter was send to GM (PA & F), Kolkata for final sanction and after final sanction on 14.08.2012 the said GPF amount was paid to the applicant on 26.09.2012, therefore, the further claim of the applicant for payment of GPF is not maintainable under the rules.

5. The applicant has filed a rejoinder to the reply statement filed by the respondents wherein he has stated that the respondents have paid a sum of Rs.

6652/- only as GPF money long after his date of retirement and did not show the breakup of the said amount. According to the applicant, the amount of Rs. 6652/- is too meagre to be the entire amount of GPF with interest/ contribution from the employer. Therefore, the applicant has prayed for payment of GPF to which he is entitled to as per rules.

6. Ld. Counsel for the applicant submits that presently the applicant will be satisfied if a direction is given to him to file a comprehensive representation before the appropriate authorities where the respondents to consider and dispose of the same within a time frame.

7. By accepting the prayer of the Id. Counsel for the applicant and without going into the merits of this case, we hereby dispose of the OA by directing the applicant to make a comprehensive representation before the competent authority highlighting his grievances within a period of 15 days from the date of receipt of copy of order. On receipt of such representation, proposed to be made, the respondent authorities shall consider and dispose of the same within a period of 2 months thereafter by passing a reasoned and speaking order with due opportunity of the applicant of being heard. The decision so arrived shall be communicated to the applicant forthwith.

8. With the above observations and directions, OA stands disposed of. No costs.

9. The presence of the respondent no.3 for personal appearance is dispensed with.

(Dr. Nandita Chatterjee)  
Member (A)

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(Manjula Das)  
Member (J)