

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
KOLKATA



No.O.A. 350/316/2017

Date of order : 14.09.2017

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

Sri Ashish Bose,
Son of Late Sankar Chandra Bose,
Aged about 45 years,
Working for gain as Sub-Postmaster,
Rasikganj & Ounder Bankura Dn.,
Residing at Bishnupur Madhavganj,
P.O. Bishnupur,
District – Bankura (W.B.),
Pin – 722 122.

....Applicant.

-Versus-

1. Union of India
Through the Secretary,
Ministry of Communication,
Deptt. of Posts, Dak Bhawan,
New Delhi – 110 001.
2. The Chief Post Master General,
South Bengal Region,
Yogayog Bhawan,
Kolkata – 700 012.
3. The Post Master General,
South Bengal Region,
Yogayog Bhawan,
Kolkata – 700 012.
4. The Assistant Director of
Postal Services (Rectt.),
West Bengal Circle,
Yogayog Bhawan,
Kolkata – 700 012.
5. The Senior Supdt. of Post Office,
Bankura Division,
Bankura – 722 101.

... Respondents.

For the applicant : Mr.K. Sarkar, counsel
Mr. A. Sarkar, counsel

For the respondents : Ms. D. Nag, counsel

ORDER (ORAL)

Mrs. Manjula Das, Judicial Member

By this O.A, the applicant makes the following prayers:-

"8(a) To issue direction upon the respondents and their men an agents to declare the applicant is entitled to get the Old Pension under the Old Pension Scheme.

(b) To issue further direction upon the respondents to declare when the applicant was appointed in the 1997 vacancy and all other similarly placed persons then the applicant is to be declared entitled under the Old Pension Scheme.

(c) To issue appropriate necessary direction for production of records at the time of hearing.

(d) To issue any other order or orders as the Hon'ble CAT, Calcutta Bench may deem fit and proper."

3. We have heard both sides and perused the documents and materials placed on record.

4. Ld. counsel Mr. N. Roy appearing on behalf of the applicant submits that the applicant was enrolled as P.A for the vacancy for the year 1997 but he was not declared under the Old Pension Scheme though the persons who were appointed against the vacancies of 1998 but joined before 01.01.2004 were declared under the Old Pension Scheme. Ld. counsel for the applicant further submits that the applicant had earlier filed a case before this Tribunal being No.O.A.1105/2003 which was disposed of on 18.11.2005 declaring him as selected against the vacancy of 1997 and to fix his pay notionally. In view of the said order of this Tribunal the applicant made a representation to the authorities on 01.08.2014(Annexure A-2) stating that as he was treated as selected for

appointment against the vacancy of 1997, his pay should be fixed notionally and he should be granted the benefits which were given to other candidates selected against the vacancy of 1997. Ld. counsel for the applicant further submits that when the respondents did not consider the prayer of the applicant, he made another representation on 22.12.2016(Annexure A-3), but the respondents did not pay any heed to his repeated requests. According to the ld. counsel for the applicant, the applicant ought to have been treated under the Old Pension Scheme as he was selected against the vacancy of 1997 and his pay should be fixed on notional basis by virtue of the order of this Tribunal dated 18.11.2005 passed in O.A.1105/2003 and he should be granted the consequential benefits.

5. No reply has been filed by the respondents as yet. However, the ld. counsel for the respondents, Ms. D. Nag submitted that the representation of the applicant regarding inclusion of his name under Old Pension Scheme was duly forwarded to the authorities concerned for taking a decision in the matter.

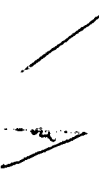
6. Ld. counsel for the applicant submits that a direction may be given to consider and dispose of the representation of the applicant within a stipulated period. Ld. counsel for the respondents fairly submits that she has no objection if the respondent authorities are directed to consider the prayer of the applicant as per the rules and regulations in force.

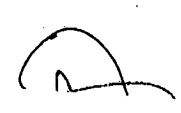
7. By accepting the prayer made by both the counsel, we direct the respondent authorities, more particularly the Respondent No.3, 4, 5 or any other competent authority to consider and dispose of the representations of the applicant regarding inclusion of his name under the Old Pension Scheme as per rules and regulations in force and pass a reasoned and speaking order within a



period of three months from the date of receipt of a copy of this order. The decision so arrived at the same will be communicated to the applicant forthwith.

8. With the above observation and directions, the O.A stands disposed of. No order as to costs.


(Dr. N. Chatterjee)
Administrative Member


(Manjula Das)
Judicial Member

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