

O.A. No. 350/00368/2017

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CALCUTTA BENCH, CALCUTTA

O. A. No. 351/000 368 of 2017

IN THE MATTER OF:

MADAN MOHAN LAYA, aged about- 46 years, son of Late Manish Chandra Laya residing at Village and Post Office and Police Station- Pingla, District- West Midnapore, Pin- 721140 and working as Sub-Postmaster under Senior Superintendent of Post Offices, Midnapore Division, Midnapore-721149.

...Applicant

-Versus-

1. UNION OF INDIA, service through the Secretary, Government of India, Ministry of Communication & Information Technology, Department of Posts, 20, Sanchar Bhawan, Ashoka Road, New Delhi- 110001.
2. THE CHIEF POST MASTER GENERAL, West Bengal Circle, South Bengal Region, Yogayog Bhawan, Kolkata- 700012.

Madan Mohan Laya  
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3. **THE POST MASTER GENERAL**, Ministry of Communication and Information Technology, Government of India, Department of Posts, in the office of the Chief Post Master General, West Bengal Circle, South Bengal Region, Yogayog Bhawan, Kolkata- 700012;
4. **THE DIRECTOR OF POSTAL SERVICES**, West Bengal Circle, South Bengal Region, Yogayog Bhawan, Kolkata- 700012,
5. **THE SENIOR SUPERINTENDENT OF POST OFFICES**, Midnapore Division, Midnapore-721101, District - Paschim Midnapore;

.... Respondents.

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O.A.No.350/368/2017

Date of order : 23.03.2017

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

For the applicant : Mr.P.C. Das, counsel

For the respondents : None

O R D E R(ORAL)

The applicant has filed this O.A. under Section 19 of the Administrative Tribunals Act, 1985 challenging the following:-

- (a) "The impugned suspension order dated 05.09.2016 issued by the Senior Superintendent of Post Offices, Midnapore Division, Midnapore against the applicant being Annexure A-2 of this original application;
- (b) The 1<sup>st</sup> Review of the suspension order dated 02.12.2016 issued by the Senior Superintendent of Post Offices, Midnapore Division, Midnapore against the applicant by which not assigning any specific reason extension the said suspension order for a further period of 90 days by violation of the law laid down by the Hon'ble Supreme Court in the case of A.K. Chaudhary reported in 2013 (Vol. 15) SCC being Annexure A-5 of this original application;
- (c) The 2<sup>nd</sup> Review of the suspension order dated 28.02.2017 issued by the Senior Superintendent of Post Offices, Midnapore Division, Midnapore against the applicant by which not assigning any specific reason extension the said suspension order for a further period of 90 days by violation of the law laid down by the Hon'ble Supreme Court in the case of A.K. Chaudhary reported in 2013 (Vol. 15) SCC being Annexure A-7 of this original application;
- (d) Non-consideration of the appeal preferred by the applicant dated 15<sup>th</sup> September, 2016 before Senior Superintendent of Post Offices, Midnapore Division, Midnapore for revocation of the suspension order;
- (e) Non-consideration of the appeal preferred by the applicant dated 02.03.2017 before the Director of Postal Services, South Bengal Region, Kolkata- 700012 for revocation of the suspension order."

2. In this O.A. the applicant has prayed for the following reliefs:-



8(a) To quash and/or set aside the impugned suspension order being No. SSP/Con/Madpur dated 05.09.2016 issued by the Senior Superintendent of Post Offices, Midnapore Division, Midnapore against the applicant without assigning any reason being Annexure A-2 of this original application.

(b) To quash and/or set aside the impugned 1<sup>st</sup> Review of the suspension order dated 02.12.2016 issued by the Senior Superintendent of Post Offices, Midnapore Division, Midnapore against the applicant by which not assigning any specific reason extension the said suspension order for a further period of 90 days by violation of the law laid down by the Hon'ble Supreme Court in the case of A. K. Chaudhary reported in 2013 (Vol. 15) SCC being Annexure A-5 of this original application.

(c) To quash and/or set aside the impugned 2<sup>nd</sup> Review of the suspension order dated 28.02.2017 issued by the Senior Superintendent of Post Offices, Midnapore Division, Midnapore against the applicant by which not assigning any specific reason extension the said suspension order for a further period of 90 days by violation of the law laid down by the Hon'ble Supreme Court in the case of A. K. Chaudhary reported in 2013 (Vol. 15) SCC being Annexure A-7 of this original application.

(d) To declare that the extension of the suspension order in first review and the second review for a further period of 90 days without assigning any valid reason is absolutely bad in law and illegal in the light of the law laid down by the Hon'ble Supreme Court in the case of A.K. Chaudhary reported in 2013 (Vol. 15) SCC.

(e) To pass an appropriate order directing upon the respondents to revoke the order of suspension dated 5.09.2016 which was issued against the applicant without assigning any reason and further directed the respondent authority to allow your applicant to resume duty in his post so that he can perform his duty and give the service to the government to save the public money along with all consequential benefits.

(f) To pass an appropriate order directing upon the respondents to pay the arrear suspension allowance after resume duty in the department along with all consequential benefits in favour of the applicant."

3. I have heard Mr. P.C. Das, Id. counsel for the applicant. None appears for the respondents.

4. Id. counsel Mr. P.C. Das appearing on behalf of the applicant submitted that the applicant has filed a representation dated 02.03.2017(Annexure A/6 to

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the O.A.) to the Respondent No.4 i.e. the Director of Postal Services, West Bengal Circle, South Bengal Region. Kolkata ventilating his grievances, but no reply has been given by the respondents till date. He, therefore, prays that a direction may be issued to the respondents to dispose of the representation of the applicant by a well reasoned order within a specific time limit and till such time the applicant's interest may be protected. He submits that the applicant is being harassed by the respondent authorities and forced to appear before the Inquiry Officer again and again.

5. Right to know the result of the representation that too at the earliest opportunity is a part of compliance of principles of natural justice. The employer is also duty bound to look to the grievance of the employee and respond to him in a suitable manner, without any delay. In the instant case, as it appears, though the applicant submitted representation to the authorities ventilating his grievances, he has not received any reply till date.

6. It is apt for us to place reliance on the decision of the Hon'ble Supreme Court of India in the case of **S.S.Rathore-Vrs-State of Madhya Pradesh, AIR1990 SC Page 10 / 1990 SCC (L&S) Page 50** (para 17) in which it has been held as under:

**"17. ....Redressal of grievances in the hands of the departmental authorities take an unduly long time. That is so on account of the fact that no attention is ordinarily bestowed over these matters and they are not considered to be governmental business of substance. This approach has to be deprecated and authorities on whom power is vested to dispose of the appeals and revisions under the Service Rules must dispose of such matters as expeditiously as possible. Ordinarily, a period of three to six months should be the outer limit. That would discipline the system and keep the public servant away from a protracted period of litigation."**

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7. Considering the aforesaid facts and circumstances, I do not think that it would be prejudicial to either of the sides if a direction is issued to the respondents to consider and decide the representation of the applicant as per rules and regulations governing the field. Accordingly the Respondent No.4 i.e. the Director of Postal Services, West Bengal Circle, South Bengal Region. Kolkata is directed to consider and dispose of the representation of the applicant, if pending for consideration, by passing a well reasoned order as per rules and intimate the result to the applicant within a period of three months from the date of receipt of a certified copy of this order. I hope and trust for the interest of justice, the respondent No.4 will instruct the Inquiry Officer not to proceed with the enquiry proceeding till disposal of the representation, if still pending consideration.

8. It is made clear that I have not gone into the merits of the case and all the points raised in the representation shall remain open for consideration by the respondent authorities as per rules and guidelines governing the field.

9. As prayed by Mr. Das, a copy of this order along with the paper book may be transmitted to the Respondent No.4 by speed post by the Registry for which Mr. Das undertakes to deposit the cost by 5<sup>th</sup> April, 2017.

10. With the above observations the O.A. is disposed of. No order as to cost.

  
( A.K. Patnaik )  
Judicial Member

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