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O.A.No. 358/447/2017

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH, KOLKATA

PARTICULARS OF THE APPLICANT:

Shri Susanta Chakrabarti, son of Sakti Pada Chakrabarti, aged about 35 years, working as PA under Ghosh Para SO, residing at Village and Post Office - Ghoshpara (West), District Howrah, Pin 711 227, West Bengal

.....APPLICANT

V E R S U S -

- i) The Union of India, through Secretary, Ministry of Communication, Department of Post Dak Bhawan, New Delhi 1.
- ii) The Director of Postal Services, South Bengal Region, Yogayog Bhawan, C. R. Avenue, Kolkata 700 012.
- iii) The Chief Post Master General, Yogayog Bhawan, C. R. Avenue, Kolkata 700012.
- iv) The Senior Superintendent of Post Offices, Howrah - Division, Kadamtala, Howrah 711/01

.....RESPONDENTS

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O.A.No.350/00447/2017

Date of order : 13.04.2017

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

For the applicant : Mr.A. Chakraborty, counsel

For the respondents : Mr. B.P. Manna, counsel

ORDER(ORAL)

The applicant has filed this O.A. under Section 19 of the Administrative Tribunals Act, 1985 challenging the Charge sheet dated 28.01.2015 issued against him and the Memo dated 21.06.2016 whereby the respondents directed to recover an amount of Rs.6,72,000/- from the pay of the applicant in 96 equal instalments.

2. The sum and substance of the O.A. is that the applicant is working as Postal Assistant at Santragachi under the respondents . A minor penalty charge sheet has been issued against him on 28.01.2015 on the ground that he did not check the withdrawal vouchers properly and did not object to the irregularities as a result of which a huge amount of money was misappropriated. Therefore, he was issued a memo dated 21.06.2016 whereby the respondents directed to recover an amount of Rs. .6,72,000/- from the pay of the applicant in 96 equal instalments. Being aggrieved the applicant has approached this Tribunal seeking the following reliefs:-

"8(a) Charge sheet dated 28.1.2015 issued by D A cannot be sustained in the eye of law and same may be quashed.

(b) Memo no. F4/B-2/3/2012/Disc-IX dated 21.06.2016 issued SSPO Howrah Division is bad in law and same may be quashed.

(c) An order do issue directing the respondents to refund the amount already deducted from the salary of the account of the applicant."

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3. I have heard Mr.A. Chakraborty, Id. counsel for the applicant and Mr. B.P. Manna, Id. counsel for the respondents.

4. Id. counsel Mr. A. Chakraborty appearing on behalf of the applicant submitted that the applicant preferred an appeal on 05.08.2016 to the Director of Postal Services, South Bengal Region, Yogayog Bhawan, Kolkata(Annexure A/4 of O.A.) i.e. the Respondents No.2 of this O.A. , but no reply has been received by him till date. Mr. Chakraborty, therefore, submitted that the applicant would be satisfied if a direction is given to the respondents to consider the case of the applicant as per rules and regulations governing the field within a stipulated period.

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 an appeal 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

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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."

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 appeal of the applicant. Accordingly the Respondent No.2 i.e. Director of Postal Services, South Bengal Region, Yogayog Bhawan, Kolkata is directed to consider and dispose of the appeal of the applicant, if pending 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 copy of this order. If the appeal has already been disposed of in the meantime, the result be communicated to the applicant forthwith. After such consideration if the applicant is found entitled to the reliefs as claimed, then expeditious steps may be taken by the respondents to grant the same within a further period of two months from the date of taking decision in the matter. The respondents are restrained from making further recovery from the salary of the applicant till disposal of the appeal.

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. Chakraborty, a copy of this order along with the paper book may be transmitted to the Respondent No.2 by speed post by the Registry for which Mr. Chakraborty undertakes to deposit the cost within one week.

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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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