

20

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

O. A. No/350/00 499 Of 2017

Shri Pradip Kumar Majumdar son of  
Late Mahendra Majumder aged about  
57 years presently engaged as MTS  
(Gr. D) at Cooch Behar Head Post  
Office - 736101 and residing at  
Pilkhana (Back side of the Masjeed)  
P.s. Kotwali P.O. & Dist. Cooch Behar,  
Pin - 736101.

... Applicant

- Versus -

- 1) Union of India, service through the  
Secretary, Ministry of Communication  
& IT, Department of Posts, Dak  
Bhavan, new Delhi - 110001.
  - 2) The Chief Post Master General, W.B.  
Circle, Dept. of Posts Yogayog Bhavan,  
Kolkata - 700012.
  - 3) The Post Master General, North Bengal  
Region, Siliguri, Pin - 734401.
- WLL

4) The General Manager (Postal Accounts & Finance) W.B. Postal Circle, Kolkata, P-36 Chittaranjan Avenue, 12<sup>th</sup> Floor NPS Section Room No. 12, Yogayog Bhawan, Kolkata - 700012.

5) The Superintendent of Post Offices, Cooch Behar Division, Cooch Behar, Pin - 736101.

6) The Post Master (Gr. I), Cooch Behar head Post Office Cooch Behar, Pin - 736101.

... Respondents

7) Shri Madan Das Gr. D (MTS),

8) Shri Subhas Das Gr. D (MTS),

Both are posted at C/o Supdt. Of Post Offices, Cooch Behar, Pin - 736101.

... Pro-forma respondents

*Val*

No. O.A. 350/00499/2017

Date of order: 20.7.2017

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

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

For the Respondents : Mr. T.K. Chatterjee, Counsel

**ORDER (Oral)****Per A.K. Patnaik, Judicial Member:**

Heard Mr. J.R. Das, Ld. Counsel appearing for the applicant and Mr. T.K. Chatterjee, Ld. Counsel for the official respondents.

2. This O.A. has been filed by Shri Pradip Kumar Majumdar, engaged as MTS (Gr. D) at Cooch Behar Head Post Office praying for the following reliefs:

- A) An order/direction directing the respondents to cancel/amend the paragraph (3) of the Postmaster (HSG-I), Cooch Behar H.O. letter dated 11.11.2014 as also Supdt. Of Post Offices, Cooch Behar Division letter dated 10/11.11.2014 being in contradiction to DOPT OM dated 10.09.1993 and Hon'ble Tribunal directions in OA No. 1257 of 2013 as also GM (PA&F) letter dated 17.01.2017 and to allow the applicant herein to be governed by the Old Pension Scheme as prevalent on 01.09.1996 and to be continued/effectuated to the GPF A/c since 01.09.1996 in the interest of justice as per the provisions of law.
- B) An order directing the respondents to consider the para 5 (vi) of the DOPT OM dated 10.09.1993 (effectuated from 1.9.1993 along with the Judgement & Order In OA No. 1257 of 2013 dated 30.9.2013 and allow the applicant to be governed by the Old Pension Scheme as prevalent on 1.9.1996 and be continued/entitled to subscribe to the GPF A/c since the said 1.9.1996 following 03 years from 1.9.1993) on attaining of temporary status as per rule.
- C) To pass an appropriate order directing the respondents to submit all relevant records of the case before the Hon'ble Tribunal for conscionable justice with copies to the Ld. Advocate of the applicants for reference thereto.
- D) Any other order or further order/orders as to this Hon'ble Tribunal may seem fit and proper."

4

dated 30.9.2013 passed in O.A. No. 1257 of 2013, the respondent authorities have given the benefit to some similarly situated employees who have been annexed by the applicant under Annexure A-8. However, Mr. Das submitted that three successive representations under Annexure A-4 dated 16.8.2016, 20.9.2016 and 24.10.2016 have not evoked any response from the said authority.

4. Therefore, without waiting for the reply, I dispose of this O.A. by directing the respondent No. 2 that, if any such representations, dated 16.8.2016, 20.9.2016 and 24.10.2016 have been preferred and are still pending consideration then the same may be considered as per the rules and regulations in force and if the said representations have already been considered and disposed of then the result thereof be communicated to the applicant within a period of 2 weeks thereafter.

5. Though I have not entered into the merits of the matter still then I hope and trust that while examining the case in hand the respondent No. 2 will also verify the applicability of the order passed in O.A. 1257 of 2013 and if at all any similarly situated employees have been granted the benefits then the same may be extended to the applicants.

6. With the aforesaid direction, this O.A. is disposed of at the admission stage itself.

7. As prayed for by Mr. Das a copy of this order along with paper book be transmitted to the respondent No. 2 by speed post for which Mr. Das undertakes to deposit necessary cost in the Registry by the next week.

8. A free copy of this order be handed over to both sides.

(A.K. Patnalk)  
Judicial Member