

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAATI BENCH

Original Application No.040/0046 of 2019

Date of Order: This the 19.02.2019

THE HON'BLE SMTI MANJULA DAS, JUDICIAL MEMBER
HON'BLE MR.N.NEHSIAL, ADMIISTRATIVE MEMBER

Dr.Niranjan Das,
Retired Sr. Postmaster, Silchar H.O
S/o Late Tarak Chandra Das
6, Kalimandir Path, Dhirenpara
Guwahati- 781025.

Applicant

By Advocate Mr.D.N.Sharma

AND

1. The Union of India
Represented by the Secretary
To the Government of India
Ministry of Communication & IT
Department of posts, Dak Bhawan
New Delhi- 110001.
2. The Secretary to the Government of India
Ministry of Communication,
Department of Telecommunication,
Sanchar Bhawan, New Delhi-110001.
3. The Chief Postmaster General,
Assam Circle, Meghdoot Bhawan,
Guwahati-1.
4. The Secretary, Union public service commission
(Sangh Lokseva Ayog),
Dholpur House, Shahjahan Road,
New Delhi- 110069.

5. The Director of Postal Accounts,
Assam circle, Guwahati-781008.

O R D E R (ORAL)

Per Mrs.Manjula Das, Member(J):-

This O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1987 with the following reliefs:-

“ 8.1. to dispose of the representation dated 12.09.2018 (Annexure-A 9) addressed to the Secretary to the Govt. of India, Ministry of Communication & IT, Department of Posts, DakBhawan, New Delhi and Secretary, to the Govt. of India, Ministry of Tele communication, Sanchar Bhawan, New Delhi.

8.2. to direct the respondent to implement the order of this Tribunal dated 26.02.2001 (para 6, Annexure A-3) specifically in paragraph 6 for notional promotion of the applicant in the Accounts cadre from the date of his junior got promotion with all consequential financial benefits arising out of promotions.”

2. Mr.D.N.Sharma, learned counsel for the applicant submitted that the applicant Dr.Niranjan Das entered as Time scale clerk and joined in Dhubri H.O on 09.06.1964 in the erstwhile Department of Post and telegraph, Govt. of

India, and retired on superannuation from service as Sr. Postmaster, Silchar Head post office on 28.02.2005. He passed P.O and RMS Accountant Examination and posted in Divisional office Dhubri. Thereafter, he appeared in P&T accounts service part I examination in March'1972 and inspector of post Offices examination in the same month. He passed in Inspector of post offices, examination in November' 1972 and joined as Inspector of Post offices, Barpeta on 23.01.1973. Again, he passed the P&T Accounts service examination Part I on 12.02.1973. He, then appeared in P&T accounts service Examination Part II and qualified in May' 1975. Accordingly, he underwent pre requisite Accounts training for the period from 02.05.1975 to 09.11.1975 and awaited for posting order. It is mention here that the grade of Accounts officer is higher (Gazetted) than Inspector of post offices (Non Gazetted). After return from training, he had not been given any posting order in Accounts service nor he was allowed to resume in his parent post where from he was deputed for training inspite of his

clear option for joining in the accounts service on the plea of contemplating disciplinary proceedings. That, the Post master General, Shillong gave clearance to him for clearance for joining in the Accounts service being qualified in P&T accounts service examination Part I & Part II with fixation of seniority from April' 1974. But he had been promoted to Asst. Superintendent of Post offices Dhubri in Administrative line of promotion instead of accounts service on 29.11.1985. Being not satisfied with the dilatory action of the department, he approached the Central Administrative Tribunal, Guwahati bench, Guwahati with an OA No. 135/1999 where in the tribunal allowed his application. But the Chief PMG, Assam Circle, Guwahati (Respondent No. 3) filed an appeal/Writ petition (C). No. 6796/2001 before the Hon'ble Gauhati High Court against the above mentioned CAT's order. The Hon'ble High Court, accordingly, found it not to be fit case and thus dismissed the Appeal/petition on 02.01.2006.

3. The applicant had retired on 28.02.2005 and despite the fact that the Department of Post and Telecommunication have not taken any action to implement the orders of the Hon'ble Tribunal even after 14 years of his retirement without any valid grounds depriving the applicant from all retirement benefits so long. The Chief Postmaster general, Assam circle, Guwahati had deliberately disobeyed the Order of the Central Administrative Tribunal, Guwahati and Hon'ble Gauhati high Court and treated the promotional avenue case of the applicant with dire negligence and as a result, applicant had been suffered so long. The Department of Posts, New Delhi in paragraph 8 of his Memo No. 210(7)/2016/PA-Admn.II/142-143 dated 17.05.2018 clearly stated that the onus for finalisation for the case is upon CPMG Guwahati Vis a Vis SEA branch Department of Telecommunication. But the case of his notional promotion and consequential financial benefits have not yet been given to the applicant.

4. In view of the above, without going into the merits of the case and for the ends of justice, I direct the Respondent authorities to dispose of the pending representation dated 12.09.2018 by passing a reasoned and speaking order within a period of 2 months from the date of receipt of this order.

5. It is made clear that the decision so arrived by the respondent authorities, shall be communicated to the applicant forthwith.

6. Accordingly, O.A. is disposed of at the admission stage itself. No order as to costs.

(N.NEIHSIAL)
MEMBER(A)

(MANJULA DAS)
MEMBER(J)

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