



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, NIZAM PALACE,

KOLKATA -700020

AN APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE
TRIBUNAL ACT, 1985

O.A. No. 35/1794 of 2018

Subrata Bhattacharyya, son of Late

Gangesh Chandra Bhattacharyya,

Bankim Pally, Bara Astana, Post

Office - Midnapore, Police Station -

Kotwali, District - Paschim

Medinipur, West Bengal, Pin 721101. *Work as Sr. T.O.A (T), under District Telegraph office, Kharagpur.*Applicant

-Versus-

(i) Union of India, service through the Secretary to the Government of India, Department of Telecommunications, New Delhi, Pin -110058.

(ii) Bharat Sanchar Nigam Limited, a government of India

Enterprise, office of the General
Manager Telecom, Kharagpur
Telecom District, Kharagpur, West
Bengal, Pin - 721305.

(iii) Assistant Controller of
Communication Accounts, West
Bengal Circle, Kolkata, Department
of Telecom, Government of India.8,
Esplanade East (2nd& 3rd Floor),
Kolkata - 700069.

(iv) The General Manager
Telephones, Kharagpur Bharat
Sanchar Nigam Limited Division,
having his office at Inda, District -
Paschim Medinipur, West Bengal,
Pin - 721305

... Respondents

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CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/350/1794/2018

Date of Order: 22.01.2019

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

Subrata Bhattacharya -vs- Bharat Sanchar Nigam Ltd.

For the Applicant(s): Mr. N. Roy, Counsel, leading Mr. S.Mitra, Counsel

For the Respondent(s): Mr. M. K. Ghara, Counsel

ORDER (ORAL)

A.K Patnaik, Member (J):

Heard Mr. N.Roy, Ld. Counsel, leading Mr. S.Mitra, Ld. Counsel for the applicant, and Mr. M.K.Ghara, Ld. Counsel appearing for Official Respondents, in extenso.

2. This O.A. has been filed under Section 19 of the Administrative Tribunals Act, 1985 with the following prayers:

" a) An order by directing and/or commanding the respondents, particularly, the General Manager, Telephones, Kharagpur, BSNL Division, being the respondent no. 3, to grant and/or release the said arrear amount of Rs. 2,00,000/- by way of Leave Encashment Salary along with 10% interest accrued thereon from the date next to the retirement of the applicant till the date of actual payment.

b) Such other or further order or orders as to this Hon'ble Tribunal may seem fit and proper. "

3. Brief facts of the case as narrated by the Ld. Counsel for the applicant is that although the applicant has retired from service w.e.f. 31.10.2016 on attaining the age of superannuation, as per his calculation, he was not paid the full leave encashment amount and that an amount of Rs. 2,00,000/- has been withheld by the respondents without showing the reason for short payment. Ld. Counsel for the applicant submitted that ventilating his grievance the applicant has preferred a series of representations under Annexure-A/5 and the latest being dated 28.08.2018

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(under Annexure-A/6) before Respondent No.4 but till date no action has been taken by the Respondents. He further submitted that grievance of the applicant may be redressed if Respondent No.4 is directed to consider the said representation dated 28.08.2018 as at Annexure-A/6 within a specific time frame.

4. Having heard Ld. Counsel for the parties, without going into the merit of the matter, I dispose of this O.A. by directing Respondent No. 4 to consider the representation of the applicant dated 28.08.2018, if the same has been filed and is pending for consideration, and pass a reasoned and speaking order as per rules and regulations within a period of six weeks from the date of receipt of copy of this order. It is made clear that if after such consideration the grievance of the applicant is found to be genuine and he is otherwise entitled then expeditious steps be taken within a further period of six weeks to grant/release the amount claimed by the applicant. I make it clear that if in the meantime the said representation has already been disposed of then the result thereof be communicated to the applicant within a period of two weeks.

5. With the aforesaid observation and direction, this O.A. stands disposed of. No costs.

6. As prayed for by the Ld. Counsel for the applicant, copy of this order, along with paperbook be transmitted to Respondent No. 4, for which, he undertakes to deposit the cost with the Registry within a week.

7. Copies of this order be handed over to the Ld. Counsel for the parties.

(A.K.Patnaik)
Member(J)