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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

O.A. NO-1350/1321/2018

1. Asan Mallick, son of Abu Bakkar Mallick

village Chhotonaldaha,

Post office Chhotonaldaha.

Police Station Tebatta,

District Nadia, Pin Code No.741156.

2. Abu Bakkar Mallick,

Son of Late Nimer Mallick.

3. Nur Nessa Bibi, wife of

Abu Bakkar Mallick,

Sl.No.2 and 3 are of Village & Post Office

Chhotonaldaha, Police Station Tebatta,

District Nadia, Pin - 741156.

... Applicants

-Versus -

1. The Union of India, through The

Secretary, Ministry of Communication,

Department of Posts, Dak Bhawan,

New Delhi- 1.

2. The Sub-Divisional Inspector of Posts,

Debagram Sub-Division, Post office -

Debagram, District Nadia, Pin-741137.

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3. The Inspector of Post Offices,

Krishnagar Central Sub-Division,

Post office Krishnagar,

District Nadia,

Pin- 741101.

4. The Superintendent of Post Offices,

Nadia North Division,

Post office Krishnagar,

District Nadia,

Pin-741101.

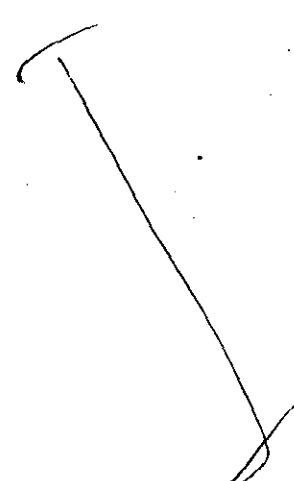
5. The Chief Post Master General,

West Bengal Circle,

Joga Jog Bhawan,

Kolkata-700012.

.. Respondents.





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CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/350/1321/2018
MA/350/646/2018

Date of Order: 18.12.2018

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

Asan Mallick & Ors. -vs- UOI & Ors.

For the Applicant(s): Mr. B.Chatterjee for Md. Abdur Rahaman, Counsel

For the Respondent(s): Mr. S.Paul, Counsel

ORDER (ORAL)

A.K Patnaik, Member (J):

Heard Mr. B.Chatterjee, Ld. Counsel, on behalf of Md. Abdur Rahaman Ld. Counsel for the applicants.

2. Mr. S.Paul, Ld. Counsel who usually appears for the Union of India, is present in the court and, on my advice, Ld. Counsel for the applicants has served copy of this O.A., along with annexures, on Mr. Paul as I do not want the Official Respondents to go unrepresented. Heard Mr. Paul in extenso, who has accepted the brief on my request.

3. M.A. filed for joint prosecution of this case is allowed and is, accordingly, disposed of.

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

“8.(a) To direct upon the respondents to consider and dispose of the application dated 21st November, 2017 made by your applicant No.1 addressed to (i) Sub-Divisional Inspector of Posts, Debagram Sub-Division, Post office Debagram. District Nadia, respondent No. 2 (ii) The Superintendent of post offices, Nadia North Division, Respondent No. 4 and (iii) The Chief Post Master General, respondent No. 5, So that Your applicant No.1 may be appointed as GDSMP, Chhotonaldaha B O, Chhotonaldaha – 741156 or any other suitable post as a special case on compassionate ground in stead or in place of termination of service of his father namely Abu – Bakkar Mallick GDSMP, Chhotonaldaha BO, applicant No.2

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terminated from service on medical ground on account of being found incapable of performing duty as early as possible;

(b) To pass such other order or orders, direction or directions as to this Hon'ble Tribunal may deem fit and proper;

5. The case of the applicants as enumerated by the Ld. Counsel for the applicant is that Abu Bakkar Malick, applicant No. 2, was appointed as GDSMP at Chhotonaldaha B.O. and was working as such since 14.12.1979 with the entire satisfaction of the Superiors. He has been terminated from service on Medical Ground due to incapability of performing duty vide Office Order No. AC-2/Chhotonaldaha BO/DBG/2017-18 dated 03.10.2017. Ld. Counsel for the applicant submitted that with the consent of Abu Bakkar Malick, GDSMP (applicant No. 2) and his wife Nur Nessa Bibi (applicant No.3), Asan Mallick (applicant No.1/son of applicant No.2) made application dated 21.11.2017 (Annexure-A/7) before all the respondents praying for appointment to any post of GDSMP or in place of his father Abu Bakkar Malick who has been terminated on medical grounds due to incapability of performing duty on compassionate ground, but the authorities did not consider the same as yet. He further submitted that the grievance of the applicants may be redressed, if the Respondent Nos. 4 and 5 are directed to consider their representation within a specific time frame.

6. Having heard Ld. Counsel for both the parties, without going into the merit of the matter, I dispose of this O.A. by directing Respondent Nos. 4 and 5 to consider the representation of the applicants under Annexure A/7, if the same has been filed and is pending for consideration, and pass a reasoned and speaking order as per rules and regulations in force within a period of six weeks from the date of receipt of copy of this order. I make it clear that if after such consideration the applicants' case is found to be genuine and they are otherwise eligible then they may be given the benefit of appointment within a further period of six weeks. I also make it clear



that if in the meantime the said representation has already been disposed of then the result thereof be communicated to the applicants within two weeks.

7. With the aforesaid observation and direction, this O.A. stands disposed of at the admission stage. No costs.

8. As prayed for by the Ld. Counsel for the applicants, copy of this order, along with paperbook be transmitted to Respondent Nos. 4 and 5 by Speed Post, for which, he undertakes to deposit the cost with the Registry within a week.

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

(A.K Patnaik)
Member (J)

RK/PS