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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

O.A. No.350/ 207 of 2019

In the matter of :

An application under section 19 of
the A.T. act, 1985;

And

In the matter of :

Haridas Das,

son of Late Nishikanta Das, aged
about 62 years, working as
Supervisor, Supervisor, SBCO,
Coochbehar Head Post Office,
District -Coochbehar and residing at
Vill. & P.O.-Takagachh, District-
Coochbehar, Pin-736179.

.....Applicant

-Versus-

1. Union of India, through the
Secretary, Department of Posts,
Ministry of Communication & I.T.
Dak Bhawan, New Delhi-110001.

all

2. The Chief Post Master
General, West Bengal Circle,
Yogayog Bhawan, Kolkata-700012.

3. The Post Master General,
North Bengal Region, Siliguri-
734001.

4. The Superintendent of Post
Offices, Coochbehar Division,
Coochbehar Head Post Office, Pin-
736101.

5. The Post Master, Coochbehar
Head Post Office, District
Coochbehar, Pin-736101.

.....Respondents

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CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/350/207/2019

Date of Order: 12.02.2019

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

Haridas Das -vs- D/o India Post

For the Applicant(s): Mr. K. Sarkar, Counsel

For the Respondent(s): Mr. B.P. Manna, Counsel

ORDER (O R A L)

A.K Patnaik, Member (I):

Heard Mr. K.Sarkar, Ld. Counsel for the applicant, and Mr. B.P.Manna, Ld Counsel appearing for the Official Respondents, in extenso.

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

" i) To direct the respondents to cancel quash and/or set aside the impugned suspension Order dated 27.03.2017 and the chargesheet dated 30.03.2017 forthwith;

ii) To issue appropriate necessary direction of quashing of D&A proceeding in view of the judgment of Premnath Bali and the CVC recommendation dated 18.01.2016 forthwith

iii) To issue further direction upon the respondents and their men, agents to grant and pay pension and pensionary benefits forthwith

iv) to direct the respondents to produce connected departmental records at the time of hearing

v) Any other order or orders, direction or directions as the Hon'ble Tribunal deem fit and proper."

3. Mr. Sarkar, at the outset, submitted that this is the second round of litigation. The applicant had already approached this Tribunal by filing O.A. No. 544/ 2017, along with M.A.Nos. 504 and 468 of 2017, which was disposed of on 03.01.2018 by directing the Respondents to complete the proceeding within four months and

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communicate the decision to the applicant forthwith. However, Mr. Sarkar submitted that more than one year has elapsed in the meantime still then this order of the Tribunal has not been complied with. Mr. Sarkar further submitted that as per the Circular No. 02/01/2016 issued by the Chief Vigilance Commission, time period for completion of disciplinary proceeding/inquiry proceeding has been stipulated to be six months. Mr. Sarkar strenuously argued that not only the order of this Tribunal has been violated but also the CVC guideline has also not been adhered to. He further submitted that the applicant has already retired and he is getting only provisional pension and his agony is increasing day by day.

4. On the other hand, Mr. B.P. Manna, Ld. Counsel for the Official Respondents, submitted that while the disciplinary proceeding/inquiry proceeding was continuing the applicant retired from service after attaining the age of superannuation and, therefore, the disciplinary proceeding was converted into CCS(Pension) Rules. However, Mr. Manna submitted that in the meantime the disciplinary proceeding has been completed and the matter has been referred to UPSC so that Presidential Order can be finally passed and it may take about 2-3 months time. Mr. Manna submitted that once the Presidential Order is issued, the applicant will get the benefits by strictly obeying the Presidential Order and there will be no delay from the Respondents' side any further.

5. Mr. Sarkar, at this point, submitted that applicant though retired from service on 31.03.2017 but he is only receiving the provisional pension, which is a very meagre amount and, therefore, the applicant has made a comprehensive representation to Respondent No.3 on 11.01.2019 (Annexure-A/6) but till date neither any pensionary benefit (except the provisional pension) has been disbursed nor any reply has been received from the Respondents' side.

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6. In view of the aforesaid facts, without awaiting for reply, I think it proper to dispose of this O.A. Accordingly, without going into the merit of the matter, I dispose of this O.A. by directing Respondent No.3 to consider the representation of the applicant under Annexure-A/6, if the same has been filed and is pending for consideration, and pass a reasoned and speaking order within a period of six weeks from the date of receipt of copy of this order. I also make it clear that Respondent No.3 will take necessary steps so that the proceedings, which were converted into CCS (Pension) Rules, come to a final conclusion and necessary Presidential Order is issued so that the applicant's penury condition will be solved to a greater extent. I also make it clear that after final order is passed, Respondents will take necessary steps as per Presidential Order and disburse the admissible dues to the applicant within a period of three months from the date of passing of the Presidential Order. 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 applicant within a period of two weeks.

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

8. Copies of this order be handed over to the Ld. Counsel for both the parties. Applicant is granted liberty to bring this order to the notice of the Respondents.

(A.K.Patnaik)
Member(J)

RK/PS