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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CALCUTTA BENCH, CALCUTTA

O. A. No. 350/ 154 of 2019

IN THE MATTER OF:

NIRANJAN KAPRI, son of Late Gorachand Kapri, aged about 65 years, residing at Village - Nedhua, Post Office- Nedhua Bazar, Police Station- Sabang, District- Paschim Midnapore, Pin-721144 and working to the post of as GDSMC Nedhua Bazar Branch Office at Sabang SO, Midnapore under the Senior Superintendent of Post Offices, Midnapore Division, Midnapore.

...Applicant

-Versus-

1. UNION OF INDIA, service through the Secretary, Government of India, Ministry of Communication & Information Technology, Department

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of Posts, 20, Sanchar Bhawan, Ashoka
Road, New Delhi- 110001.

2. THE CHIEF POST MASTER GENERAL,
West Bengal Circle, South Bengal
Region, Yogayog Bhawan, C.R.
Avenue, Kolkata- 700012.

3. THE POST MASTER GENERAL, Kolkata
Region, Yogayog Bhawan, Kolkata-
700012.

4. THE SENIOR SUPERINTENDENT OF
POST OFFICES, Midnapore Division,
Midnapore, Pin- 721101

5. THE INSPECTOR OF POSTS, Balichak
Sub-Division, Balichak-721124,
District- Paschim Midnapore.

...Respondents.

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CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/350/154/2019

Date of Order: 12.02.2019

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

Niranjan Kapri -vs- D/o India Post

For the Applicant(s): Mr. P. C Das, Counsel

Ms. T. Maity, Counsel

For the Respondent(s): Ms. P. Goswami, Counsel

ORDER (O R A L)

A.K Patnaik, Member (J):

Heard Mr. P.C.Das, Ld. Counsel for the applicant, Mr. Das submitted that he has already sent copy of the O.A. along with annexures, to the Respondents.

2. As no-one appears on behalf of the Respondents and Ms. P.Goswami, Ld Counsel, who usually appears for the Union of India, is present in the Court, on my request, Mr. Das has served copy of the O.A. along with annexures, on her as I do not want the Official Respondents to go unrepresented. Heard Ms. P.Goswami, in extenso.

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

"a) To pass an appropriate order directing the respondent authority to disburse the arrear amount of pay as well as special pay and allowances in favour of the applicant in respect of functioning duties as GDPMC in the different branch offices of the postal department as per the direction of the postal department being Annexure A-1 and A-5 of this original application which your applicant is entitled to along with arrears and the special pay and allowances ;

b) To pass an appropriate order directing upon the respondent authority to consider the case of the applicant in the light of the representation submitted by your applicant dated 28.12.2018 being Annexure A-6 of this original application keeping in mind the similar order passed by this Hon'ble Tribunal in the case of Radheshyam Das -vs- Union of India and others and to make all the arrear of pay

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including special pay and allowances for discharging duties and function as GDSMC by the applicant to the difference branches of the postal department as per the direction contained in Annexure A-1 and A-5 of this original application."

4. The sum and substance of case of the applicant, as narrated by Ld. Counsel for the applicant, is that the applicant is working as GDSMC at Sabang SO, Midnapore. The grievance of the applicant is that in spite of performing his duties for certain periods, the authority did not disburse the appropriate pay as well as special allowances in his favour. The applicant has prayed for granting benefits in the light of the judgement passed by this Tribunal in the case of Radheshyam das - vs- Union of India & Ors. Ld. Counsel for the applicant submitted that although, ventilating his grievance, the applicant has preferred representation before Respondent No. 4 under Annexure-A/6 on 28.12.2018 but till date nothing has been communicated to him. He further submitted that the applicant's grievance may be more or less redressed if a direction is issued to Respondent No. 4 to consider the representation of the applicant keeping in mind Annexure-A/7, an order passed by this Tribunal in a similar case, within a specific time frame.

5. 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 No. 4 to consider the representation of the applicant under Annexure-A/6, if the same has been filed and is pending for consideration, keeping in mind Annexure-A/7, 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. I make it clear that if after such consideration the grievance of applicant is found to be genuine and he is otherwise entitled to the allowances, as claimed by him, then expeditious steps be taken within a further period of six weeks to release the same to the applicant. I make it clear that if in the meantime the said representation has already been disposed of

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then the result thereof be communicated to the applicant within a period of two weeks.

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

7. 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.

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

(A.K. Patnaik)
Member(J)

RK/PS

