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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

NIZAM PALACE, KOLKATA -700020

AN APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE

TRIBUNAL ACT, 1985

O.A. No. 350/1293 of 2018

Prafulla Kumar Bera, son of Late

Priyanath Bera, Village - Dumuria, Post

Office - Shib-Dumuria, Police Station-

Gopiballavpur, District - Paschim

Medinipur, Pin- 721506. *worked as GDS BPM*
Gopiballavpur, Midnapore (West)

... Applicant

-Versus-

(i) Union of India, service

through the Secretary to the

Ministry of Communications
Government of India, Department of

Posts, Dak Bhawan, New Delhi, Pin -

110001.

(ii) The Senior Superintendent of

Post Offices, Midnapore Division,

NAL

Midnapore, District- Paschim

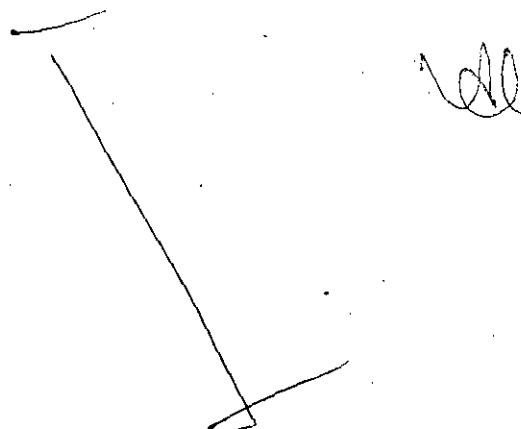
Medinipur, Pin -721101.

(iii) The Assistant Superintendent
of Post Offices, Kharagpur Sub-
Division, Golebazar, Kharagpur, District
- Paschim Medinipur, Pin -721301.

(iv) The Postmaster, Jhargram
Head Office, District - Jhargram, Pin -
721507.

(v) The Sub Post Master,
Gopiballavpur Sub Office,
Gopiballavpur, District- Paschim
Medinipur, Pin - 721517.

... Respondents

A handwritten signature in black ink, appearing to read 'V. D. D.', is positioned above a large, stylized, hand-drawn arrow pointing downwards and to the right. The arrow originates from the top left and ends near the bottom right of the page.

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/350/1793/2018

Date of Order: 19.12.2018

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

Prafulla Kumar Bera -vs- UOI & Ors.

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

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

ORDER (ORAL)

A.K Patnaik, Member (J):

Heard Mr. S.Mitra, Ld. Counsel for the applicant.

2. Mr. B.P.Manna, 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. Manna as I do not want the Official Respondents to go unrepresented. Heard Mr. Manna in extenso, who has accepted the brief on my request.

3. 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 Respondent No.2, the Senior Superintendent of Post Offices, Midnapore Division, to cancel and/or set aside the Memo No. H-52/82-83/Sibadumuria B.O. dated 26.10.2018 being Annexure "D" and the Memo containing the list of termination of the employees bearing No. A-1/Superannuation/GDSBPM/B.O. dated 26.10.2018 being Annexure "E" to this application.
(b) Such other or further order or orders as to

4. Mr. Mitra fairly submitted that applicant has approached this Tribunal against the sudden notice issued on 26.10.2018 under Annexure-A/5 for changing his date of birth, which is per se illegal and it should be modified.

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- 5. On being questioned why the applicant did not avail any department remedies, Ld. Counsel for the applicant fairly submitted that as per the said notice under Annexure-A/5 dated 26.10.2018, the retirement date of the applicant has been fixed to 26.02.2019 and, therefore, apprehending coercive action like forceful retirement the applicant has immediately rushed to this Tribunal.
- 6. As there are some time for retirement of the applicant, without going into the merit of the matter, I dispose of this O.A. by granting liberty to the applicant to make a comprehensive representation before Respondent Nos.2 and 3 within a period of one week from the date of receipt of copy of this order and in such case Respondent Nos.2 and 3 are directed to consider the said representation as per rules governing the field and communicate the result in a reasoned and speaking order within a period of six weeks from the date of receipt of representation. I make it clear that if after such consideration the Respondents are satisfied that any inadvertent or administrative error has crept in then the applicant may be allowed to retire as per his actual date of retirement.-
- 7. With the aforesaid observation and direction, this O.A. stands disposed of. No costs.
- 8. Copy of this order, along with paperbook, be sent to Respondent Nos. 2 and 3 by speed post for which Ld. Counsel for the applicant undertakes to deposit the cost with the Registry within a week.
- 9. Free copy of this order be handed over to Ld. Counsel for both the parties. Applicant is at liberty to annex copy of this order along with his representation to be preferred before Respondent Nos.2 and 3.

(A.K Patnaik)
Member (J)

RK/PS