

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

O.A. NO 350/1426 OF 2018

1. Sri Tapan Kr Mahanty, S/O Basanta Kr. Mahanty, aged about 48 years, worked as GDS BPM at Sarberia B.O. under Barabhum S.D. under Purulia Sub-Division, Pin.- 723127. Now at present he is under Put-Off-Duty since 04.04.2013. Residing at Vill & P.O.- Sarberis, P.S.- Barabazar, Dist.- Purulia, Pin.- 723127.

....Applicant.

-VERSUS-

1. Union of India service through the Secretary Ministry of Communication and Information Technology, Department of Post, Dak Bhaban, Sansad Marg, New Delhi- 11.
2. The Chief Post Master General, Yogayog Bhaban, C.R. Avaneue, Kolkata- 700012.
3. The Superintendent of Post Office, Purulia Division, Purulia- 723101.
4. The Inspector of Post Officers, Purulia South Sub Division, Purulia- 723101.

.....Respondents.

Wd

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/350/1426/2018

Date of Order: 04.01.2019

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

TAPAN KUMAR MAHANTY -VS- D/O INDIA POST

For the Applicant(s): Mr. J. R Das, Counsel

Ms. T. Maity, Counsel

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

ORDER (ORAL)

A.K Patnaik, Member (J):

Heard Ms. T.Maity, Ld. Counsel for the applicants.

2. Since none is present on behalf of the Official Respondents, on my request, Ms. Maity has served copy of the O.A. along with annexures, on Mr. B.B.Chatterjee, Ld. Counsel, who usually appears for the UOI and is present in the Court, as I do not want Official Respondents to go unrepresented. Heard Mr. Chatterjee in extenso.

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

" i) Order do issue directing upon the respondents to revoking the suspension /Put Off-Duty order dated 04.04.2013 which was approved on 08.04.2013 and also directing the authority to reinstate your applicant with all consequential benefits.

ii) Order do issue directing upon the respondents to consider the respondents dated 07.10.2014 and 13.08.2015 as per rule.

iii) Order do issue directing upon the respondents to quash and set aside the speaking order dated 23.11.2015.

iv) Order do issue directing upon the respondents to consider the appeal dated 25.04.2017 and 07.05.2018.

v) Order do issue directing upon the respondent to produce all the record before the Hon'ble Court.

vi) Cost."

Wll

4. Brief facts of the case as enumerated by the Ld. Counsel for the applicant is that the applicant while working as GDSBPM under Purulia Division at Sarberia Branch was placed under Put-Off-Duty on 04.04.2013 by the I.P.O. Purulia South Division during surprise visit. The applicant being aggrieved approached the authorities for revocation of suspension order and to reinstate him as per rule. The applicant filed a case before this Tribunal being O.A. No. 1431/2015 and the Tribunal passed an order on 18.09.2015. Thereafter, as alleged by Ld. Counsel for the applicant alleged, speaking order was passed by the authorities on 23.11.2015 without following the Swamy's Rule in this regard. It is further submitted by the Ld. Counsel that the authorities are paying only 25% TRCA whereas the applicant should have got 50% TRCA. The applicant has also relied upon the order passed by this Tribunal under Annexure-A/15. Ld. Counsel for the applicant further submitted that ventilating his grievance the applicant has preferred representation dt. 07.05.2018 (Annexure-A/14), which is still pending for consideration.

She further submitted that grievance of the applicant may be redressed if Respondent No.3 is directed to consider his representation within a specific time frame.

5. 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. 3 to consider the representation (Annexure-A/14) of the applicant, if the same has been filed and is pending for consideration, keeping in mind the order passed by this Tribunal under Annexure-A/15 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 the applicant

Wd

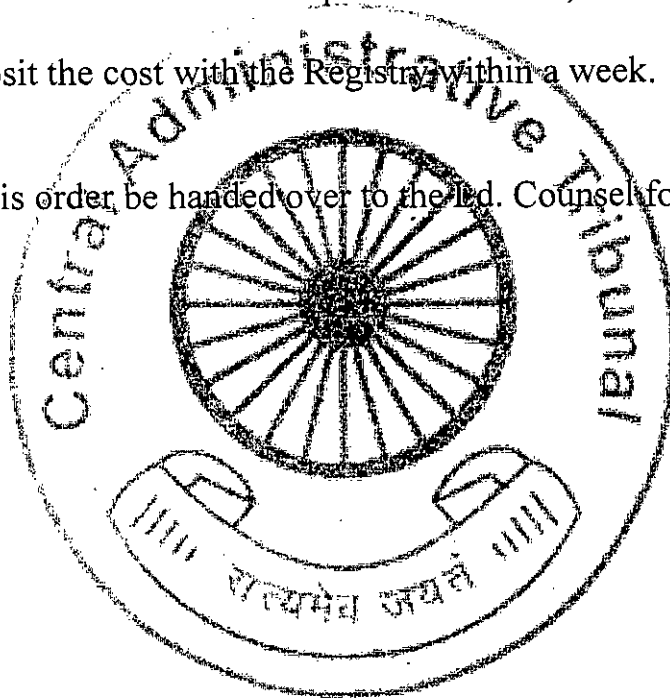
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is found to be genuine and he is otherwise entitled and eligible then expeditious steps be taken to grant him the allowance, as admissible under law, within a further period of six weeks from the date of such consideration. I make it clear that if in the meantime the said representation has already been disposed of then the result thereof be communicated to the applicant within 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 Nos. 1, 2 and 4 for which, she 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