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CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

O.A/350/1161/2018

Date of Order: 24.09.2019

Coram: Hon'ble Mrs. Manjula Das, Judicial Member
Hon'ble Mr. N. Neihisial, Administrative Member

Sri Supriyo Biswas, son of Late Rabindra Nath Biswas, aged about 45 years, working as Sorting Assistant, Ranaghat RMS, Post Office - Ranaghat, Police Station - Ranaghat, Nadia, Pin 741201, under RMS 'H' Division 196, A.G. Arabinda Sarani, Kolkata 700004 and residing at P-45A, Bosu Nager (2 ½ No Gate) Post Office- Madhyagram, Kolkata 700129.

---Applicant

Versus

1. Union of India, service through the Secretary, Ministry of Communication, Department of Posts, Government of India, Dak Bhavan, New Delhi - 110001.

2. The Chief Post Master General, W.B. Circle, Yogayog Bhavan, C.R Avenue, Kolkata - 700012.

3. The Director of Postal Services (HQ), O/o the Ch. PMG, WB-Circle, Yogayog Bhavan, Kolkata - 700012.

4. The Superintendent, RMS 'H' Division 196, A.G. Arabinda Sarani, Kolkata 700004

---Respondents

For the Applicant(s): Mr. K. Sarkar, counsel
Ms. A. Sarkar, counsel
For the Respondent(s): Mr. R. Halder, counsel

ORDER (ORAL)

Per: Mrs. Manjula Das, Judicial Member:

Heard Mr. K. Sarkar, Ld. Counsel assisted by Ms. A. Sarkar, ld. Counsel appearing on behalf of the applicants. We have also heard Mr. R. Halder, ld. counsel for the respondents.

2. The applicant has approached this Tribunal seeking the following reliefs:

"a) To cancel, quash set aside the impugned speaking order dated 26.07.2018, the order of ADPS dated 22.03.16 and 17.06.19 forthwith.

b) to issue appropriate necessary direction upon the respondent and their men and agents to give positing of the applicant in Sealdah RMS as per his request made on 11.03.2013 forthwith.

c) to produce the transfer file of Sri Swapan Kumar Bera, sorting assistant who was identically posed person on 22.03.2011 in the department at the time of hearing.

d) To pass necessary order to implement the Memo No. B2-23/XII dated 19.01.2018 forthwith.

e) Any other order or orders as the Hon'ble Tribunal deem fit and proper."

3. The facts of the case as narrated by Ld. counsel for the applicant is that the applicant had earlier approached this Tribunal vide O.A 736/18 which was disposed of on 04.06-2018 with some direction to the respondents. In view of such direction respondents have passed a speaking order, dated 26.07.2018, which is impugned herein. The applicant is aggrieved that the respondents have not passed the order in terms of the direction of this Tribunal. Being aggrieved with the impugned speaking order dated 26.07.2018, the order of ADPS dated 22.03.16 and 17.06.19, he has approached this Tribunal vide this O.A seeking the aforesaid reliefs.

4. At hearing, Mr. K. Sarkar, ld. counsel for the applicant submits that he would be satisfied if liberty is given to make a fresh representation to the respondent authorities redressing his grievance and further prayed that a direction be issued to the respondent authorities to consider the case of the applicant.

5. We have accepted the prayer made by ld. counsel for the applicant. We have also perused the pleadings and materials placed before us.

6. Accordingly, the matter is disposed of by giving liberty to the applicant to make a fresh representation before the authorities for his choice of request

transfer at Sealdah RMS within one month from the date of receipt of a copy of this order. If such representation is made, the respondent authorities/competent authority shall dispose of the same by a reasoned and speaking order within a period of four months thereafter and shall convey the decision to the applicant forthwith.

7. It is made clear that we have not gone into the merits of the case and all the points to be raised in the representation will be kept open for consideration by the respondent authority as per rules and regulations governing the field.

8. With the above observations and directions, the O.A is disposed of. No order as to costs.

(N. Neihisial)
Member (A)

(Manjula Das)
Member (J)

