



CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

O.A/350/1565/2018

Date of Order: 25.09.2019

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

Naba Kumar Chakraborty, son of late Satyabrato Chakraborty, aged about 33 years, residing at Village and Post Office – Santala, District – Howrah, Pin 711412.

---Applicant

Versus

- 1.) Union of India, through Secretary, Department of Post, Ministry of Communication, New Delhi -1.
- 2.) Chief Post Master General, West Bengal Circle, Yogayog Bhawan, CR Avenue, Kolkata 700012.
- 3.) Senior Superintendent of Post Offices, Howrah Division, Howrah 1.
- 4.) Inspector Posts, Amta Sub-Division, Dist. Howrah, Amta, 711401.

---Respondents

For the Applicant(s): Mr. A. Chakraborty, counsel
Ms. P. Mondal, counsel

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

ORDER (ORAL)

Per: Mrs. Manjula Das, Judicial Member:

Being aggrieved with the termination order dated 19.09.2018 issued by Office of Inspector Posts of the Sub-Division Amta, the applicant has approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 with the following reliefs:

- i) Office order No. A2/Naba Kumar Chakraborty/Sonatala BO dated 19.09.2018 issued by Office of Inspector Posts of the Sub-Division Amta cannot be sustained in the eye of law and the same may be quashed.
- ii) An order do issue directing the respondents to reinstate the applicant with all consequential benefits."

2. Heard Mr. A. Chakraborty, assisted by Ms. P. Mondal, ld. counsel for the applicant. Ms. P. Goswami, ld. for the respondents is also present and heard.

3. The facts of the case as narrated by Mr. A. Chakraborty, ld. counsel for the applicant is that, the applicant got appointment in the office of the respondent on 24.09.1998 on compassionate ground as EDDA, Sonatala B.O. On 25.09.1998, he joined and submitted charge report. He was performing his duties and getting salary month by month. Subsequently, he was allowed to appear in the written test for promotion to the post of Postman. Thereafter, he was informed by the Inspector of Posts vide order dated 19.09.2018 that his service was terminated with immediate effect without giving any rhyme and reason.

Mr. A. Chakraborty, Ld. counsel further submitted that since the applicant was appointed on compassionate ground and his case was referred before the Circle Relaxation Committee, therefore, terminating the applicant after 20 years of service cannot be sustained in the eye of law.

4. From the pleadings it is seen that, his appointment was to be continued until further order as appeared in the order dated 20.08.2018 (Annexure R-5 of the Reply), which is as under:

"With reference to the above, it is intimated that Sri Naba Kumar Chakraborty was provisionally engaged as GDSMD(erstwhile EDDA) by the then SDI(P) Amta Sub-Division w.e.f. 25.09.1998 to 24.03.1999 vide his memo dated 24.09.1998 (Annexure A) and the said engagement was continued until further order by the SDI(P), Amta vide his memo dated 16.03.1999 (Annexure-B). None of these memo were endorsed to the SSPOs, Howrah Division."

However, the subsequent office order dated 19.09.2018 issued by the Inspector Posts, Amta Sub-Division, Amta, terminating the service of the applicant, reads as under:

"In pursuance of the RO letter No. PMG(SB)/SFC/ED/Rectt/Relax/12/03d at Kol-12 the 06.09.2018 communicated through Howrah Division Office memo no. H2-141/Sonatala/Pt dated at Howrah-1 the 18.09.2019, the arrangement to the post of GDSMD (now ABPM) of Sonatala BO in a/c with Chittasenpur SO where Shri Nabakumar Chakraborty has been performing the duty is hereby terminated with immediate effect."

It is apparent that the applicant has served in the office of the respondents for more than 20 years. In view of that, the applicant submitted that his case should be considered for regular appointment or alternative employment as per Rules 17 (2) of the Postal GDS Rules (Method of Recruitment), which reads as under:

"2. Efforts should be made to give alternative employment to ED Agents who are appointed provisionally and subsequently discharged from service due to administrative reasons, if at the time of discharge they had put in not less than three years' continuous approved service. In such cases, their names should be included in the waiting list of ED Agents discharged from service, prescribed in D.G, P&T, Letter No. 43-4/77-Pen., dated 23.2.1979."

5. Accordingly, the O.A is disposed of by directing the respondents to give alternative appointment as provided under Rule 17(2) of the Postal GDS (Method of Recruitment) within a period of 4 months from the date of receipt of a copy of this order.

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

(N. Neihisal,
Member (A)

(Manjula Das)
Member (J)