



Q.A. 350/725/2014

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CALCUTTA BENCH, KOLKATA.

DETAILS OF THE APPLICATION :

PARTICULARS OF THE APPLICANT :

Shri Nripendra Nath Mondal, son of Late Dhaneswar Mondal, aged about 61 years, worked as a Postman, Tapsi Raniganj S.O., Assansol Divn., residing at Vill. & P.O. Meja, Dist.-Bankura, PIN-722143.

.... APPLICANT.

- V E R S U S -

1. Union of India through the Secretary, Department of Post, Ministry of Communication, ~~New Delhi~~ Dak Bhawan, New Delhi.
2. The Chief Post Master General, Yogayog Bhawan, C.R. Avenue, Kolkata-700 012.
3. The Sr. Superintendent of Post Offices, Assansol Division, Assansol, Dist. Burdwan, PIN-713301.

.... RESPONDENTS.

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH
KOLKATA

No.O A.350/725/2014

Date of order : 18-9-19

Coram : Hon'ble Mrs. Bidisha Banerjee, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

NRIPENDRA NATH MONDAL
VS.
UNION OF INDIA & OTHERS
(POST)

For the applicant : Mr. A. Chakraborty, counsel

For the respondents : Mrs. R. Basu, counsel

ORDER

Bidisha Banerjee, Judicial Member.

The applicant in this O.A. has sought for the following relief:-

"An order do issue directing the respondents to grant pension by antedating the date of promotion with effect from 06/06/2001."

2. We heard the ld. counsels and perused the materials on record.
3. The applicant's claim for antedating promotion to the date of occurrence of vacancy which is "06.06.2001" emanates from a communication dated 18.05.2007 as contained in Annexure R-2 of the O.A. which is reproduced hereunder:-

*"Department of Posts, India
O/o the Sr. Supdt. Of Post Offices
Asansol Division
Asansol-713301*

No :- R-21/Rectt/Pman/2000/CAT Case/02 dated Asansol the 18/05/07

There were following vacancies as approved vide R.O. letter no.PMG(SB)/SFE/Postman/Mail Guard/2000 dated 26.02.01 in Postman cadre for the year 2000.

In Departmental Quota

OC	OBC	SC	ST	TOTAL
8	0	2	1	= 11

Out of these eleven(11) vacancies, as no departmental candidate had come out successful in the Postman Examination, 2000 held on 11.03.02. As per rule, the unfilled Departmental Quota of vacancies would have been added to the outside quota(on merit only). Hence the categorisation of the vacancy has been recast. It is as follows:

OC	SC	OBC	ST	TOTAL
6	2	2	1	= 11

No ST official has come out successful. The result was published on 06.06.01 and was as follows:

OC	SC	ST
2	1	NIL

In pursuance of order of Hon'ble CAT OA 23 of 2002 dated 28.09.06 & RO letter no. PMG(SB)/SFG/GC 01/2002 dated at Kol-12 the 15.12.06, two more GDS officials were declared successful on 20.12.06 (not legible) as follows:

OC	SC	OBC	ST
2	NIL	NIL	NIL

In pursuance of R.O. letter no PMG(SB)/SFG/GC-01/2002 dated Kol-12 the 18/04/07, the following GDS officials are hereby declared successful for promotion to the Postman Cadre.

Roll no.	Name & Designation	Community
WB/95/0/2000/ASL	Sri Kajal Chatterjee, EDMC, Ramnagar	OC
WB/23/0/2000/ASL	Sri Dulal Ch. Bid, EDTM, Bidhannagar, Dgp. 12(now EDSPM, Kuldiha)	OC
WB/128/0/2000/ASL	Sri Nripendra Nath Mondal, EDBPM, Bhuri, Via Haripur	OBC
WB/98/0/2000/ASL	Sri Milan Ch. Gope EDDA, Egera, Via Ballavpur	OBC
WB/67/0/2000/ASL	Sri Bidhan Ch. Mondal, EDSPM, Baradhemo	SC

Sr. Supdt. of Post Offices
Asansol Division
Asansol -713301"

4. Citing the aforesaid, Id. counsel for the applicant would argue that although the vacancies accrued for the year 2000 and a notification

was issued in 2001, the promotions were effected from 2007 as a result of which the applicant has been brought under the purview of New Pension Scheme effective from 01.01.2004 and if the promotion was antedated he would have come under the purview of Old Pension Scheme of 1993 which would have been far more beneficial to him.

5. Ld. counsel for the respondents vociferously opposing the prayer would submit that his right to pension accrued only upon his promotion effected from 04.06.2007. The applicant served as EDBPM from 22.10.1982 to 03.06.2007. The vacancies accrued in the year 2000 for which selection was conducted on 11.03.2001 and result declared on 06.06.2001. Since reduction in the vacancies were alleged to be irregular, O.A.No.23/2002 was preferred by the present applicant and one Sri Dulal Chandra and consequent upon the decision of this Tribunal on 28.09.2006 to recalculate the vacancies 5 more candidates including the present applicant were declared successful on 18.05.2007 and as such he joined as Postman on 14.06.2007 under New Pension Scheme. Having retired from service on 31.01.2013 he failed to complete 10 years' regular service that inures to pension. Ld. counsel for the respondents would contend that seeking a relief of antedating promotion to that of date of publication of result i.e. 06.06.2001 was an afterthought and having retired from service on 31.01.2013 the applicant is not entitled to count his service as EDBPM towards pension.

6. We heard the ld. counsels for the parties and perused the materials on record.

7. Since admittedly the applicant became entitled in the year 2000 but was erroneously not promoted from 2001 which would have entitled him to be governed under the Old Pension Rules and having noticed the decision in O.A.No.23/2002 directing the respondents to enlarge the panel of 2001 and inclusion of the applicant in the said panel and his promotion to the cadre of Postman/Mail Guard and having noted that the respondents ought to have included him in the enlarged panel of 2001, we direct the authorities to consider the applicant's claim for antedating the date of his promotion notionally from the date he was empanelled so as to be governed by the Old Pension Rules and pass appropriate order within 3 months from the date of receipt of this order. No costs.

(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

sb

