



**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**

O.A/350/1080/2014

Date of Order: 28.08.2019

Coram: Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. (Ms.) Nandita Chatterjee, Administrative Member

Sri Swapan Kumar Halder, son of Sri Debendra Nath Halder, aged about 37 years, GDSDA/GDSBPM, Nakful BO now under put off duty, Village : Savaipur, P.O Nakpul, P.S Bongaon, District: North 24 Parganas, Pin - 743243, now residing at Rate Para, Bongaon, P.S. Bongaon, Pin - 743235.

--Applicant.

Versus

1. Union of India service through the Secretary, Ministry of Communication & IT, Department of Posts, Dak Bhavan, New Delhi - 110001.
2. The Chief Post Master General, West Bengal Circle, Yogayog Bhavan, C.R Avenue, Kolkata - 700012.
3. The Post Master General, Kolkata Region, Yogayog Bhavan, C.R Avenue, Kolkata - 700012.
4. The Senior Superintendent of Post Offices Barasat Division, Dist. North 24 Parganas, Pin 700124.
5. The Inspector of Posts, Bongaon Sub-Division, Bongaon, Dist. North 24 Parganas, Pin 743235.
6. The Post Master (Gr. II), Bongaon MDG, Bongaon, Pin 743235.

--Respondents.

For The Applicant(s): Mr. J. R. Das, counsel
For The Respondent(s): Ms. R. Basu, counsel

ORDER (Oral)

Per: Ms. Bidisha Banerjee, Member (J):

Heard both.

2. This OA has been filed to seek the following reliefs:

" i) An order directing the respondents to amend/correct the order dated 26.5.2014 to reinstate/revoke the put off duty order w.e.f. the said 22.5.12 the date of being put to put off duty in compliance of the order dated 21.4.14 by this Hon'ble Tribunal.

ii) An order/direction directing the respondents to release/pay all the due pay and allowances of the applicant herein for the aforesaid period from 22.5.2012 to 26.5.2014 in compliance of the judgement and order dated 21.4.2014 of this Hon'ble Tribunal along with due interest thereto as decided by this Hon'ble Tribunal.

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iii) Any other order/orders, further order/orders as to this Hon'ble Tribunal seems fit and proper."

3. At hearing, it transpired that the put off duty that was issued on 22.5.12 was assailed on 21.4.2014 and was set aside by this Tribunal as not legally sustainable. Pursuant thereto, vide order dated 26.05.2014, the applicant was reinstated to his original post. The applicant is aggrieved as full pension and allowance for the period he was kept on put off duty was not released.

4. Ld. counsel for the respondents submits that inquiry is underway, however, no documents have been furnished in substantiation of the claim.

5. In our considered view, pendency of proceedings (if any) should not be a ground for denying him balance of allowance for the period he was put on put off duty which ultimately got set aside.

6. Therefore, we dispose of the O.A with a direction upon the respondents to release the full payment and allowance for the period he was kept on put off duty, deducting the amount already paid towards put off duty allowance during the put off duty period, to be released within 4 weeks from the date of receipt of a copy of this order.

7. Ld. counsel for the respondents would also submit that the allowances admissible were sent to his Headquarter but he has failed to receive it.

Therefore, the applicant, for the purpose, shall inform the respondent authorities his present place of residence while furnishing a copy of this order.

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8. Ld. counsel for the respondent also submitted that the applicant has been already dismissed from service. Therefore, it goes without saying that the balance of allowance shall be paid to him till his dismissal. The pensionary and retiral benefits as admissible in law shall be released within a further period of 4 weeks. No costs.

(Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member (J)

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