

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
KOLKATA



OA. 350/01363/2014

Date of Order: 14.01.2016.

Present : Hon'ble Ms. Bidisha Banerjee, Judicial Member

Prakash Kr. Sarkar
Vs.
Posts

For the Applicant : Mr. PK Munsri, Counsel

For the Respondents : Ms. M. Bhattacharyya, Counsel

ORDER (Oral)

Per Ms. Bidisha Banerjee, JM:-

This application has been filed seeking (i) "payment of Wages including allowances for performing additional duties of GDSMC with effect from 03.04.2002 and consequential benefits including arrears so due" and (ii) costs;

2. The applicant was admittedly asked to perform additional duties of GDSMC (Mail Carrier) while serving as GDSMD (Mail Deliverer). Learned counsel for the applicant submits that in terms of the order passed by this Tribunal in OA. 379/2000 such additional duties would entitle him for additional allowances but despite several representations the same has not been allowed to him. In support thereof, the applicant draws my attention to the direction of this Tribunal in the said OA. 379/2000, which is as under: (extracted with supplied emphasis for clarity)

".....As the department rules do not prohibit appointment of an ED official in more than one posts, as in this case, it would be anathema to the principles of natural justice if the official is denied the benefit of pay of the posts. I am also of the considered view that the respondents had mis-applied the order issued by the Director of Postal Accounts, Calcutta as referred to in their reply at para 4(v) and their reference/reliance on the DG Post letters referred to in para 4(iv) also appears to be misleading. Be that as it may, so far as this case is concerned if have reason to hold that the decision to recover the dearness allowance already paid to the applicant was clearly bad in law and therefore whatever amount was recovered from the pay of the applicant before receipt of our interim order dt. 31.5.2000 should be refunded to him within a period of 30 days from the date of receipt of this order. The respondents are also directed to continue to pay the allowance including dearness allowance for the posts of EDMC and Night Guard i.e. the posts to which the applicant has been appointed by them till they make separate arrangement in this regard. I ordered accordingly".

The order has attained finality being implemented already.

3. Learned counsel for the respondents submitted that pursuant to this Tribunal's earlier direction the applicant has come back to previous single duty and a substitute has been arranged to perform the duties of EDMC (GDSCMC). However, reply filed by the respondents is conspicuously silent in regard to additional allowances for the additional duties that the applicant ~~was~~^{is} performed for the last 9 years.

4. Learned counsel for the applicant submits that he shall be satisfied if a direction is given to the respondents to consider the payment of additional allowances in terms of the order dated 24.02.2006 in OA. 379/2000 (supra), for the period he ~~was~~^{is} served double duties till he was released in the month of March, 2015.

Learned counsel for the respondents does not object to such disposal with a direction for consideration of this matter appropriately.

5. In such view of the matter and in the interest of justice, the OA is disposed of with a direction upon the respondent authorities to consider the matter, in accordance with the order dated 24.02.2006 in OA. 379/2000 and to grant the appropriate benefits to the applicant, within a period of 3 months from the date of communication of this order, if he ~~is~~^{is} otherwise entitled to.

6. OA is accordingly disposed of. No costs.

(Bidisha Banerjee)
Member (J)

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