

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

LIBRARY

O.A.No. 350/ 789 /2019

In the Matter of :

An application u/s 19 of
the A.T.Act, 1985;

-And-

In the Matter of :

Prabir Barai, son of Late
Ramesh Chandra Barai, aged
about 58 years, Sub-Post
master, Raiganj Bandar NDSO
(since released from the
office - now on leave), P.O.
Raiganj, Dist. Uttar Dinajpur
Pin-733 134; residing at
Sevak Pally, P.O.Raiganj,
Dist. Uttar Dinajpur, P.S.
Raiganj, Pin-733 134.

.. Applicant

-Versus-

- 1) Union of India through
the Secretary, Ministry of
Communications, Deptt. of
Posts, X Dak Bhawan, Sansad
Marg, New Delhi-110 001.
- 2) The Chief Postmaster
General, West Bengal Circle,
Kolkata-700 012.

3) The Postmaster General,

North Bengal Region,

Siliguri, Pin-734 001.

4) The Superintendent of
Post Offices, Dinajpur Divn.

Balurghat, Dist. Dakshin
Dinajpur, Pin-733 101.

5) The Director & of Postal
Services, North Bengal
Region, Siliguri, Pin-
734 001.

.. Respondents

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH
KOLKATA

O.A/350/789/2019

Date of Order: 28/06/2019

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

PRABIR BARAI

VS.

**UNION OF INDIA & OTHERS
(D/O POST)**

For the applicant : Mr. K. Sarkar, counsel
Ms. A. Sarkar, counsel

For the respondents : Mr. R. Halder, counsel

ORDER

Bidisha Banerjee, Member (J):

The applicant has preferred this O.A to seek the following reliefs:-

- "i) To direct the respondents to cancel, withdraw and/or rescind the impugned order of transfer dated 26.03.2019 and the Memo. Dated 16.04.2019 cancelling the modified order of transfer dated 29.03.2019; as contained in Annexure "A-2" & "A-4" herein respectively;*
- b) To direct the respondents to give effect to the modified order of transfer dated 29.03.2019 in the case of the applicant as contained in Annexure "A-3" herein and allow him to join under Raiganj MDG;*
- c) To direct the respondents to deal with and/or dispose of the representation of the applicant dated 04.05.2019 as well as 07.01.2019 as contained in Annexures "A-5" & "A-1" herein respectively;*
- d) To direct the respondents to produce the entire records of the case before this Hon'ble Tribunal for effective adjudication of the issues involved herein;*
- e) And to pass such further or other order or orders as to this Hon'ble Tribunal may deem fit and proper."*

2. The case of the applicant in a nutshell is that by an order dated 01.01.2019, Annexure A-1, options were called from PA cadre in

connection with the rotational transfer for the year 2019. The applicant had exercised his option pursuant thereto. By an order dated 08.03.2019, the officials from PA cadre in PB of Rs.5200/- to 20,200 with Pay Matrix Level 4 were promoted to LSG Cadre (N/B) in the Pay Band of Rs. 5200/- to 20,200(PB-1) with Pay Matrix Level 5 on regular basis and allotted to Dinajpur Division with immediate effect. The applicant who figured at Serial No. 2 of the said list was posted from SPM Raiganj Bandar to LSG SPM Industrial Market SO. Further on 29.03.2019, the said posting order was modified in respect of the applicant to that of LSG PA Raiganj MDG with a stipulation that, if he declined promotion a written declaration be given within 5th April, 2019. Again on 16.04.2019, the applicant was directed to join in terms of the order dated 26.03.2019. The applicant on 04.05.2019 preferred a representation to the Superintendent of Post Offices, Dinajpur Division, Balurghat for implementation of the order dated 29.03.2019 by which he was posted at LSG PA Raiganj MDG.

Pursuant to the orders, however, the applicant relinquished his charge to join the post of LSG but has not yet joined the post. The applicant had also sought for an action to stop the order dated 16.04.2019 to the Superintendent of Post Offices.

3. At hearing, Id. counsel for the applicant would submit that he would be satisfied if a direction was issued to the Superintendent of Post Offices, Dinajpur Division being Respondent No. 4, to consider the

pending representation in accordance with law and to dispose it off within a time frame.

4. Accordingly, without entering into the merits of the matter, we dispose of the O.A with a direction upon the Respondent No. 4 to consider the representation dated 04.05.2019 in accordance with law and to dispose it off within a period of ~~4~~ months from the date of receipt of a copy of this order. No costs.

[Signature]
(Dr.Nandita Chatterjee)
Member (A)

[Signature]
(Bidisha Banerjee)
Member (J)

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