

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

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No. O.A. 1467 of 2014

Date of order: 4.9.2019

Present : Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

Sri Sunil Kumar Santra,
Son of Late Netai Chandra Santra,
Aged about 64 years,
Worked as Extra Departmental Branch
Post Master of Jangalpara Bazar,
P.O. Jangalpara,
District - Hooghly,
Residing at Vill. & P.O. Mashat,
P.S. - Chanditala,
Dist. - Hooghly,
Pin - 712304

Applicant

VERSUS -

1. Union of India,
Service through the Secretary,
Ministry of Communication,
Department of Posts,
Dak Bhawan,
New Delhi - 1.
2. The Chief Post Master General,
West Bengal Circle,
Yogayog Bhavan,
12, C.R. Avenue,
Kolkata - 700 012.
3. The Director of Postal Services,
South Bengal Region,
12, C.R. Avenue,
Kolkata - 700 012.
4. Senior Superintendent of Post Office,
South Hooghly Division,
Serampore,
District - Hooghly,
Pin - 712201.

.... Respondents

[Signature]

For the Applicant : Mr. T.K. Biswas, Counsel

For the Respondents : Ms. R. Basu, Counsel

ORDER (Oral)

Per Dr. Nandita Chatterjee, Administrative Member:

The applicant has approached this Tribunal in 5th stage litigation under Section 19 of the Administrative Tribunals Act, 1985 praying for the following relief:-

"(a) An order directing the respondents to consider the representation dated 19.9.2014 (Annexure A-6) within the specific period and further directing the respondents to release the service benefits which is mentioned in para (f) sub-par (1),(2) and (3) as above;

(b) An order or further orders as to this Hon'ble Tribunal may deem fit and proper."

2. Heard both Ld. Counsel, examined pleadings and documents on record.
3. The matter in brief is that, the applicant while working as GDS BPM during the period from 16.8.86 to 21.1.98, had allegedly misappropriated government money from several accounts standing at the said office. Consequently, he was put off duty w.e.f. 22.1.98 and put off duty allowance was also drawn in his favour.

The applicant approached the Tribunal in O.A. No. 510 of 2000 praying for directions to enable him to join the said post by revoking the put off duty order as no departmental proceedings had been initiated against him. The O.A. was disposed of on 7.6.2000 directing the department to dispose of his representation within a specified time frame. The disciplinary proceedings were thereafter initiated under Rule 8 of P&T ED Agents (Conduct & Service) Rules, 1964. The put off duty order was revoked on 14.8.2000, pending disciplinary action, and the applicant was reinstated in his duties w.e.f. 20.9.2000 but relieved thereafter on 24.6.2003 in terms of the punishment order in the

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disciplinary proceedings whereby he was dismissed from GDS/ED services with immediate effect.

The applicant thereafter approached the Tribunal once again in O.A. No. 952/2003 and the Tribunal disposed of the same on 28.11.2003 directing the appellate authority to dispose of the appeal of the applicant in a time bound manner. The appellate authority confirmed the punishment order of dismissal vide his orders dated 27.8.2004 upon which, the applicant's CPC No. 24 of 2004 arising out of O.A. No. 952 of 2003 was dropped.

The applicant approached the Tribunal in third stage litigation in O.A. No. 878 of 2004 and the Tribunal disposed of the same on 26.3.2010 by quashing the order of the appellate authority and remanding the matter back to the appellate authority for fresh consideration in accordance with rules. The punishment order was reviewed but only to confirm the earlier punishment order of dismissal.

The applicant thereafter approached the Tribunal in 4th stage litigation in O.A. No. 1738 of 2010 and the Tribunal while dismissing the O.A., on 14.5.2013, directed the respondent authorities to release all admissible dues to the applicant in accordance with law within three months from the date of communication of the Tribunal's order.

The respondents thereafter released Rs. 812/- as TRCA drawn w.e.f. 1.1.1998 to 21.1.1998 and Rs. 3576/- as bonus from 1.4.1997 to 21.1.1998 (Annexure A-5 to the O.A.). The applicant thereafter represented against non-receipt of his remaining service benefits which according to him were as follows:-

- (a) Salary for the period of his put off duty which was imposed on 21.1.1998 and revoked on 14.8.2000;

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(b) Bonus, increment and other service benefits for the interim period for 34 months with effect from his reinstatement to his dismissal.

(c) Group Insurance and Gratuity.

4. The respondents, in their written statement, have corroborated that:

(a) The applicant was paid all his dues i.e. TRCA from 1.1.1998 to 21.1.1998 for Rs. 812/- and Rs. 3576/- as bonus for 1.4.1997 to 21.1.1998.

(b) That the complete bonus period could not be ascertained due to non-availability of records as preservation period of bills for the purpose of bonus has expired and, that,

(c) As the applicant was officially dismissed due to grave misconduct during the period of his employment, the President had reserved his rights of withholding Group Insurance, Security, post employment benefits such as ex-gratia and severance amount of the sevak as per rules.

The respondents have further argued that the applicant had filed a Contempt Petition for alleged violation of the orders of the Tribunal dated 14.5.2013 but the Tribunal, being satisfied that the orders were substantively complied with, had dropped the Contempt proceedings.

5. Ld. Counsel for the applicant would urge that being aggrieved with the non-receipt of all his service benefits, the applicant had submitted a representation on 18.9.2014 which remains pending at the level of the respondent authorities and, that, in this instant O.A., the only relief sought by the applicant is for consideration of his representation within a specific time frame.

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6. Both Id. Counsel agree that the O.A. may be disposed of by directing the respondent authorities, particularly, respondent No. 4, Senior Superintendent of Post Offices, South Hooghly Division, Serampore to dispose of the said representation in a time bound manner and in accordance with law.

7. Accordingly, within entering into the merits of the matter, and, with the consent of the parties, we direct the said respondent No. 4 to dispose of the applicant's representation dated 18.9.2014 (Annexure A-6 to the O.A.), if received at his end, within a period of 12 weeks from the date of receipt of a copy of this order. The said respondent authority shall decide in accordance with law and convey his decision in the form of reasoned and speaking order to the applicant thereafter.

8. With these directions, the O.A. is disposed of. No costs.

(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

SP

Partha Guha