

22/7

O.A. 350/986/2019  
M.A. 350/531/2019



**CENTRAL ADMINISTRATIVE TRIBUNAL**

**CALCUTTA BENCH**

1. Bharatiya Postal Employees Association Group-C, represented by Sri Anindya Routh, Son of Late Pradip Kumar Routh, Divisional Secretary, aged about 43 years, working as Postal Assistant at Kolkata G.P.O. at present residing at Flat 1/2, Antarik Apartment, 100/38, Jessore Road, Bhagabati Park, Kolkata - 700074, West Bengal.
2. Prabir Kumar Surai, Son of Late Sambhu Charan Surai, aged about 55 years, working as Asstt. Deputy Director of Post Offices, Kolkata G.P.O. (Lower Selection Grade) at present residing at 60/3/2, Dr. Meghnath Saha Road, DumDum, Chatakal, Kolkata - 700074, West Bengal.
3. Abhijit Chatterjee, Son of Late Ranjit Kumar Chatterjee, aged about 56 years, working as Asstt. Deputy Director of Post Offices, Kolkata G.P.O. (Lower Selection Grade) at present residing at 91/A, Indira Biswas Road, Kolkata - 700037, West Bengal.
4. Parna Dasgupta, Daughter of Late Prabir Chandra Dasgupta, aged about 45 years, working as Postal Assistant at Kolkata G.P.O. at present residing at 20/5A, Central Park, Kolkata - 700032.
5. Abhijit Pramanik, Son of Late Asit Baran Pramanik, aged about 42 years, working as Postal Assistant at Kolkata G.P.O. at present residing at 88/C, Bechu Chatterjee Street, Kolkata - 700009.

..Applicants

- Vs-

— and branch

1. Union of India through the Secretary, Department of Posts, Ministry of Communications and I.T., Government of India, Dak Bhawan, Sansad Marg, New Delhi - 110001.
2. Chief Post Master General, West Bengal Circle, Yogayog Bhawan, Kolkata - 700012.
3. Post Master General, Kolkata Region, West Bengal Circle, Yogayog Bhawan, Kolkata - 700012.
4. Director, Kolkata G.P.O., 7, B.T.M. Sarani, Kolkata - 700001.
5. Asstt. Director of Postal Services (Staff, E & PN), Office of the Chief Post Master General, West Bengal Circle, Yogayog Bhawan, Kolkata - 700012.

.. Respondents

6. Sri Sachidananda Biswas,
7. Smt. Madhumita Bhattacharjee,
8. Sri Shankar Mallick,

Respondent Nos. 6, 7 and 8 are all working as LSG in the office of the Director, Kolkata G.P.O., Kolkata - 700001.

9. Sri Archan Karmakar,
10. Smt. Anindita Ghosh Biswas,
11. Sri Samar Kumar Pal,

Respondent Nos. 9; 10 and 11 are all working as Postal Assistant in the office of the Director, Kolkata G.P.O., Kolkata - 700001.

P. Respondents

CENTRAL ADMINISTRATIVE TRIBUNAL  
KOLKATA BENCH  
KOLKATA

No.O A.350/986/2019  
M.A.350/531/2019

Date of order : 22.07.2019

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

**BHARATIYA POSTAL EMPLOYEES ASSOCIATION  
GROUP C AND OTHERS**

**VS.**

**UNION OF INDIA & ORS.  
(D/O INDIA POST)**

For the applicant : Mr. C. Sinha, counsel

For the respondents : Mr. R. Halder, counsel

**ORDER**

**Bidisha Banerjee, Judicial Member**

Ld. counsels were heard.

2. The M.A.No.531/2019 which has been filed seeking permission to move the O.A. jointly, is allowed.
3. The O.A. has been preferred to challenge the process of restructuring as initiated by the Department of Posts without following the specified norms and without drawing inter se circle seniority in the cadre of Postal Assistant and a challenge has also been preferred against the orders dated 08.03.2019 and 08.07.2019. Applicants have ventilated their grievances by submitting representations which have not been considered and disposed of.

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4. After lengthy hearing, Id. counsel for the applicant would draw our attention to the notice dated 08.03.2019 (Annexure A/7) which reads as under:-

*"In cancellation of this office memo of even no. dated 15.02.2019, the Competent authority is pleased to promote the PA cadre officials mentioned in **Annexure -A** in the pay band Rs.5200/- to 20,200/-(PB-1) with Pay Matrix Level 4 to LSG cadre(Postal Line) in the pay band of Rs.5200/- to 20,200/-(PB-1) with Pay Matrix Level 5 on regular basis approved by the DPC held on 28.02.2019 with effect from the date they actually assume the charges of the promotional posts.*

2. *The orders of the Competent authority regarding allotment of the PA cadre officials on their promotion to LSG(N/B) cadre in Postal line on regular basis to the Regions mentioned against each in the **Annexure-A**, are issued to have immediate effect/w.e.f. the date as mentioned in the "Remarks" column.*

3. *Further allotment order to the divisions will be issued by the concerned Regions separately within **15.03.2019** and the divisions/units will issue posting order of officials allotted to their divisions/units by **31.03.2019** positively.*

4. *The officials who are already in receipt of Pay Matrix Level 5 or above will continue to draw the existing Pay Matrix Level in the respective pay band. If any official is yet to draw the Pay Matrix Level 5, he/she may give option for choosing date of fixation of pay under FR 22(I)(a)(I) within one month from the date of issue of this order.*

5. *If any disciplinary/vigilance case is pending or punishment is current against any official he/she should not be promoted and a report to that effect should be submitted to this office immediately.*

*If any official declines promotion, a written declination in original should be sent to this office through Region by **14.04.2019** without fail."*

Ld. counsel for the applicant would further draw our attention to the notice dated 08.07.2019(Annexure A/9) that reads as under:-

*"The competent authority is pleased to promote the PA cadre officials mentioned in **Annexure-A** in the pay band Rs.5200/- to 20,200/-(PB-1) with Pay Matrix Level 4 to LSG cadre(Postal Line) in the pay band of Rs.5200/- to 20,200/-(PB-1) with Pay Matrix Level 5 on regular basis approved by the DPC on 21.06.2019 with effect from the date they actually assume the charges of the promotional posts.*

2. *The orders of the Competent authority regarding allotment of the PA cadre officials on their promotion to LSG(N/B) cadre in Postal line on regular basis to the Regions mentioned against each in the **Annexure-A**, are issued to have immediate effect/w.e.f. the date as mentioned in the "Remarks" column.*

3. Further allotment order to the divisions will be issued by the concerned Regions separately within **23.07.2019** and the divisions/units will issue posting order of officials allotted to their divisions/units within **07.08.2019** positively.

4. The officials who are already in receipt of Pay Matrix Level 5 or above will continue to draw the existing Pay Matrix Level in the respective pay band. If any official is yet to draw the Pay Matrix Level 5, he/she may give option for choosing date of fixation of pay under FR 22(1)(a)(i) within one month from the date of issue of this order.

5. If any disciplinary/vigilance case is pending or punishment is current against any official he/she should not be promoted and a report to that effect should be submitted to this office immediately.

6. If any official declines promotion, a written declination in original should be submitted within 15 days after division/unit allotment by the region and the same should be sent to this office through region within 7(seven) days without fail."

Ld. counsel would voice his concern that the officials have been arranged not according to their date of entry, but haphazardly and, therefore, the applicants apprehend that they may lose their seniority while allotment in a division, which we find to have substance.

5. We would further note that the applicants have preferred a representation ventilating their grievance which is yet to be disposed of. Hence, we direct the authorities not to implement the order dated 08.07.2019, if not already implemented, until the representation is considered and a decision is taken in accordance with law. The O.A. is thus disposed of. No costs.

**Nandita Chatterjee)**  
**Administrative Member**

**(Bidisha Banerjee)**  
**Judicial Member**