

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**

O.A/350/225/2020

Date of Order: 26.02.2020

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

Surajit Kumar Das, son of late Bimal Kumar Das, aged about 47 years, working as Sub Post Master, Gunjanbari Post Ofice, residing at Temple Street, Patakura, post Office and District – Coochbehar, Pin 736101.

**--Applicant****--versus--**

1. The Union of India, through the Secretary, Ministry of Communication, Department of Posts, Dak Bhavan, New Delhi – 110001.
2. The Chief Post Master General, Yogayog Bhavan, C.R Avenue, Kolkata – 700012.
3. The Director, Postal Services, North Bengal & Sikkim Region, Siliguri, Darjeeling, 743001.
4. The Superintendent of Post Offices, Cooch Behar Division, District – Cooch Behar, 736101.

--Respondents

For The Applicant(s): Mr. A. Chakraborty, counsel
Ms. P. Mondal, counsel

For The Respondent(s): Mr. P. N. Sharma, counsel

O R D E R (O R A L)

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

Heard ld. counsel for both sides.

2. This O.A has been preferred to seek the following relief:

"I. Memo No. F1-1/G/3/2017 (Surajit Kumar Das) dated 03.02.2018 issued by Superintendent of Post Offices, Cooch Behar Division, Cooch Behar 736101, cannot be sustained in the eye of law and same may be quashed.

II) An order do issue directing the respondents to refund the amount recovered from the applicant."

3. Today at hearing, Ld. counsel for the applicant submitted that the applicant had preferred an appeal dated 22.10.2018 (Annexure A/4 to the O.A), to the respondent authorities but the same is pending disposal and that he would be fairly satisfied if a direction is issued to the respondent authorities to dispose of the same in a time bound manner. Ld. counsel would also pray for stay of penalty pending disposal of appeal citing a decision.

4. Accordingly, since the appeal is yet to be disposed of and an innocuous prayer is made, without calling for reply, we dispose of the OA with a direction upon the competent authority to dispose of the appeal dated 22.10.2018 and issue a reasoned and speaking order in accordance with law within a period of 4 weeks from the date of receipt of copy of this order.

5. In the event the appellate authority fails to dispose the appeal within 4 weeks, he shall consider stay of the penalty order.

6. The applicant is also at liberty to seek stay of the penalty order annexing relevant decisions or any documents/orders in his support and by way of representation which if preferred, shall be considered in accordance with law.

7. It is made clear that we have not entered into the merit of this matter and therefore, all points are kept open for consideration.

8. The present OA accordingly stands disposed of. No costs.

(Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member (J)