

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
KOLKATA

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OA. 350/1609/2019

Date of order: 24.12.2019

Present :Hon'ble Dr. Nandita Chatterjee, Administrative Member

Shri Avijit Ghosh
Son of Shri Basudeb Ghosh
Aged aboutyears,
GDSBPM, Bikihakola B.O.
in a/c with Pachla S.O.
under Howrah Division,
District Howrah,
Presently under put off duty,
Residing at Vill. & P.O. Bikihakola
Via – Panchla, Dist. Howrah, Pin – 711
322.

..... Applicant.

-Versus-



1. Union of India,
Service through the Secretary,
Ministry of Communication &
Information Technology,
New New Delhi – 110 001.

2. The Chief Post Master General,
West Bengal Circle,
Yogayog Bhavan,
Cittaranjan Avenue,
Kolkata – 700 012.

3. The Post Master General,
South Bengal Region,
Yogayog Bhavan,
Chittaranjan Avenue,
Kolkata – 700 012.

4. The Sr. Superintendent of Post
Offices, Howrah Division,
Howrah – 711 101.

5. Inspector of Posts,
Howrah 2nd Sub Division,
Fortgloster,
Howrah – 711 310.

hsl

6. The Sr. Post Master,
Howrah Head Post Office,
Howrah - 711 101.

..... Respondents.

For the Applicant : Mr. P.C. Das, Counsel
Mr. J. R. Das, counsel

For the Respondents : Mr. K. Prasad, Counsel

O R D E R (Oral)

Per Dr. Nandita Chatterjee, AM:

This application has been filed under Section 19 of the Administrative Tribunals Act, 1985 to seek the following relief:

"i) An order directing the respondent to cancel, rescind, withdraw or set aside the purported order of suspension being dated 19.09.2019 and 25.09.2019 since been imposed without due application of mind.

ii) An order directing the respondents to consider and dispose of the detail representation made under Rule 13(1) of GDS (C&E) Rules against undue put off duty in a time bound manner.

iii) An order directing the respondents to produce entire records of the case with copy of the Ld. Advocate appearing for the applicant for concessionable justice.

iv) Any other order or orders further order/orders as to this Hon'ble Tribunal may seek fit and proper."

2. Heard both Ld. Counsel at length, and examined documents on record. The matter is taken up for disposal at the admission stage.

3. Ld. Counsel for applicant would submit that the applicant had approached the respondent authorities with his prayer dated 23.10.2019 (Annexure A-5 to the OA) seeking revocation of his put off duty orders dated 19.9.2019 which remains pending for consideration of the concerned respondent authority, and, would pray for a direction to be issued upon the competent respondent

[Signature]



authority, namely, respondent no. 2, who is the Chief Post Master General, to dispose of the pending representation/appeal of the applicant in a time bound manner and particularly in the light of the decision of **Ajay Kumar Choudhary v. Union of India & Anr** reported in **2015 (2) SCC (L&S) 455.**

5. Ld. Counsel for respondents would seek an opportunity of filing their reply given the gravity of the allegations against the applicant. As the applicant's appeal remains pending at the level of the respondent authority, in my considered view, no useful purpose would be served in calling for a reply from the authorities at this stage. The applicant is also required to exhaust the scope of his departmental remedies prior to adjudication.

6. Accordingly, the respondent no. 2 or any other competent respondent authority is hereby directed to examine the contents of the representation/appeal of the applicant dated 23.10.2019 (Annexure A-5 to the OA), to decide on the same in accordance with law particularly in the light of the decision cited in **Ajay Kumar Choudhary** (supra), within a period of 8 weeks from the date of receipt of copy of this order, and, to convey his decision to the applicant thereafter through a reasoned and speaking order.

7. With these directions, OA is disposed of. No costs.

(Dr. Nandita Chatterjee)
Member (A)

pd

