

KOLKATA BENCH

O. A. No. 351/220 of 2020

LIBRARY

In the matter of:

An application under Section 19
of the Administrative Tribunal Act,
1985;

And

In the matter of :

K. Amosse, son of Late
Kuppuswamy, aged about 52
years, working for gain as
Draftsman Grade-II (Civil)
presently posted at CD-I APWD-
Rangat, Middle Andaman (under
supervision), presently residing at
Rangat, Middle Andaman-744207.

... Applicant

Versus

1. The Chief Secretary,
Andaman & Nicobar
Administration, Portblair,
Andaman - 744 101.

2. The Disciplinary Authority,
Andaman & Nicobar
Administration, Portblair,
Andaman-744 101.

3. The Chief Engineer, APWD,
Portblair, Andaman-744 101.

4. Sri Indu Sekhar Mishra,
Enquiry Officer, DAONICS (JAG-I),
Secretary (Industries), Andaman &
Nicobar Administration, Portblair,
Andaman-744 101.

Nos. 1 to 4 through Resident
Commissioner, Andaman &
Nicobar Administration, Salt Lake,
Kolkata.

5. The Executive Engineer,
APWD, CD-1, Rangat-744207,
through the Assistant Engineer,
ISSD, Kolkata CPWD Complex,
Nizam Palace, Kolkata.

....Respondents

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

No. O.A. 351/220/2020

Date of order: 28.02.2020

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

K. Amosse

Vs.

Union of India & Others
(A.P.W.D.)

For the Applicant : Mr. A. Formania, Counsel
Mr. A.K. Banerjee, Counsel

For the Respondents : Mr. R. Halder, Counsel

ORDER

Per Bidisha Banerjee, Judicial Member



Heard Learned Counsels.

2. This application has been preferred to seek the following reliefs:-

"(a) To stay the departmental proceeding in connection with Memorandum of charge sheet dated 4th April, 2019 till the disposal of the criminal case;

(b) To direct the Disciplinary Authority to change the Enquiry Officer for proceeding with the departmental proceeding after conclusion of the criminal proceeding;

(c) To direct the respondents to consider the representation dated 3rd January, 2020 being Annexure "E" hereof;

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

2. At hearing Ld. Counsel would submit that he would be satisfied if the representation for stay of proceeding is directed to be disposed of before any further step is taken, as the applicant has a right to seek stay. In support of his contention, Ld. Counsel would cite the following decisions:-

110

(i) Stanzen Toyotetsu India Pvt Ltd -vs- Girish V and others [(2014) 3 SCC 636]

(ii) Kusheshwar Dubey -vs- Ms. BCCL & Ors. [(1988) 4 SCC 319]

3. We note that a further representation dated 07.02.2020 has been filed.

4. As prayer is innocuous, we dispose of this O.A. with a direction upon the competent authority to consider the representations dated 03.01.2020 and 07.02.2020, in the light of the decisions referred to supra and issue reasoned and speaking order before proceeding further with the charge sheet in question.

5. We make it clear that we have not gone into the merits of the O.A. and all the points are kept open for consideration by the respondent authorities.

6. The O.A. is accordingly disposed of. No costs.



(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

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