IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ADDITIONAL BENCH, KOLKATA

O.A. No. 350/00541 OF 2020.

IN THE MATTER OF :

Sudipto Chatterjee,
Aged 37 Years,
S/o Shri Sukhendu Chaterjee,
Junior Statistical Officer (Under Order of Dismissal),
Ministry of Statistics and Programme Implementation,
National Statistics Office,
National Sample Survey Office,
Field Operations Division,
Sub-Regional Office,
10, S.N. Banerjee Lane,
Block-B, Sibpur,
Howrah-711103.
Group 'B' : Mobile No. : 8777237947

Currently residing at :

P-173, Nivedita Park,
Sheikh Para Road, Bansdroni,
Kolkata-700096.....**Applicant**

Versus

UNION OF INDIA
Through The Secretary,
Ministry of Statistics and Programme Implementation,
Sardar Patel Bhawan,
New Delhi-110001.....**Respondent**

Local Address of Respondent :

Through the Deputy Director General,
Eastern Zone, Field Operations Division,
National Sample Survey Office,
National Statistics Office,
Ministry of Statistics and Programme Implementation,
Mahalanobis Bhawan, Gopal Lal Tagore Road,
Kolkata-700135.

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

O.A/350/541/2020 Date of Order: 12.08.2020

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

Sudipto Chatterjee
Vs
M/o Statistics

For The Applicant(s): Mr. T. R. Mohanty, Counsel

For The Respondent(s): Mr. S. Paul, Counsel

ORDER (ORAL)

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

Ld. Counsels were heard and records were perused.

2. This O.A. has been filed by the applicants to seek the following reliefs:

> *"8.1 To allow the present application;*
> *8.2 to quash and set aside the impugned Order of Penalty dated 25.10.2019 (Annexure: A-1), as being non-est and bad in law;*
> *8.3 to direct the Respondent to reinstate the Applicant to the post he was holding prior to the impugned Order of Penalty of Dismissal dated 25.10.2019 (Annexure: A-1);*
> *8.4 to grant all consequential benefits permissible under the Rules and the Law in this regard, including salary and all allowances;*
> *8.5 to issue any such and further orders/directions this Hon'ble Tribunal deems fit and proper in the circumstances of the case; and*
> *8.6 to allow exemplary cost to the Application to the applicant."*

3. At hearing, Ld. Counsel for the respondents would reveal the notification dated 02.07.2020 which reads as under;

"2. On scrutiny of the case, the following deficiency(ies) has/have been found and this has been informed to the representative of the Ministry of Statistics & programme Implementation namely Shri Arjun Lal Bairwa, SSO Deputy Director.

(i) Any other deficiency pointed out during scrutiny at SWS.

(ii) (a) General Examination of the CO as required under Rule 14(18) of the CCS (CCA) Rules 1965 has not been done. The same may be done. (b) Prosecution Exhibits mentioned at S. No. 5,6 &7 (detail elaboration given in Daily order sheet dated 24.02.2016) in annexure-III of the Charge Memorandum issued to the

above three Cos are not available. The same may be provided in Original/authenticated form. (c) Present status of Court Cases, if any, along with next date of hearing may be provided. (d) On perusal of the case records, it is seen that that the cases of Shri Haranath Bhattacharya, JSO and Shri Sudipto Chatterjee, JSO have already been decided and a penalty has been imposed on them by Secretary as the DA. In the case of Shri Jayanta Ganguly, SSO (Retired), after his retirement, the proceedings deemed to have continued under Rule 9 of CCS (CCA) Rules, 1972 and the penalty of pension-cut has to be imposed with the approval of Hon'ble President with the advice of the Commission. Since the case of Shri Haranath Bhattacharya, JSO and Shri Sudipto Chatterjee, JSO have already been decided, these two cases may be separately submitted as appeal cases and the case of Shri Jayanta Ganguly, SSO (Retired) may be submitted as disciplinary proceeding case for advice of the Commission.

3. In view of the above mentioned documentary deficiency(ies), the case is returned with the request to make a fresh self contained reference with complete case records; after removing the deficiency(ies).

Sandeep Kumar
ASO
Dated: 02/07/2020

Under Secretary (SI)
DATED 02.07.2020
Tel No. 011-23389078"

4. It transpires that on the basis of the said communication that the matter wherein penalty order has been issued and appeal is pending is getting remitted to the inquiry officer, which course is not permissible in law without setting aside of the penalty order.

5. Since the appeal is pending before the appellate authority, we direct the appellate authority either to dispose of the pending appeal within a period of 2 months or to set aside the penalty order and thereafter remit the matter back for further enquiry, if required.

(Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member (J)

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