

08/10/2020

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**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**

O.A/350/783/2020

Date of Order: 15.10.2020

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

Pinaki Mandal,
Son of Late Prasanta Mandal,
Aged about 47 years,
Working as SPM, Netajigarh So,
Howrah Division
Residing at, Golap Bhavan, Block B,
Flat-C, 2nd Floor, Basunagar, Gate No. I,
PO - Madhyamgram,
24 Pargana (N), Pin - 700129.

..... Applicant.

-Versus-

1. Union of India,
Service through the Secretary,
To the Government of India,
Ministry of Communication,
New Delhi - 110001.
2. The Post Master General (S.B. Region),
Yogayog Bhawan,
Director of Postal Services,
Yogayog Bhawan,
Kolkata - 700012.
3. The Director of Postal Services,
South Bengal Region,
Region & Appellate Authority,
West Bengal Circle,
Yogayog Bhawan,
Kolkata - 700012.
4. Senior Superintendent of Post Offices,
Howrah,
P.O. + P.S. - Howrah,
Dist. - Howrah, 711108.

..... Respondents.

For The Applicant(s): Mr. A. Chakraborty, Counsel
Ms. P. Mondal, Counsel
For The Respondent(s): Ms. D. Nag, Counsel



ORDER (ORAL)

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

Heard ld. counsel for both parties.

2. The applicant has approached this Tribunal seeking the following reliefs:

"8.i) Memo No. PMG(SB)/SF(Vig)/A-11/10/2019 dated 18.03.2020 issued by Director of Postal Services-I South Bengal region, Kolkata-1 cannot be sustained in the eye of law since he acted as a Disciplinary Authority in connection with same Disciplinary Proceedings and same may be quashed.

ii) The Office Order dated 01.09.20 issued by Senior Superintendent of Post Offices Howrah by which representation dated 12.05.20 made by the applicant was turned down by the competent authority cannot be sustained in the eye of law and the same may be quashed.

iii) Further Order and/or Orders, Direction and/or Directions may be issued as your lordship may deem fit and proper."

3. At hearing, it transpired that one Ashoke Pal, while a Senior Superintendent of Post Offices, acted as Disciplinary Authority and issued a charge memo dated 12.07.2018 to the applicant, and the same Ashoke Pal after his promotion to the post of Director of Postal Services also acted as Appellate Authority and disposed of the appeal dated 13.09.2019 preferred by the applicant, vide his order dated 18.03.2020. Thus, he reviewed his own order imposing penalty on the applicant.

Since such act/action by the same person, who has already applied his mind as D.A and reviewed his own order on penalty as Appellate Authority, is not tenable in the eye of law, we quash the order dated 18.03.2020 and remand the matter back to the respondents, to place the appeal before the competent Appellate Authority for its disposal, in accordance with law. The said competent Appellate Authority shall issue an appropriate order within 8 weeks from the date of receipt of such appeal.



4. It is made clear that we have not entered into the merit of this matter and, therefore, all points are kept open for consideration
5. The OA accordingly stands disposed of. No costs.

(Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member (J)

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