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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CALCUTTA BENCH,

CALCUTTA

O. A. No. 350/00 466 of 2020

IN THE MATTER OF:

SHRI TAPAN BARUA,

son of Late Birat Bhusan Barua, aged about 54 years, residing at Kalyannagar, Baruapara, Post Office- Natagarh, Sodepur, Police Station- Khardah, District- 24-Parganas (North), Kolkata- 700113 who working to the post of Preventive Officer in the office of Commissioner of Customs (Administration & Airport), 15/1, Strand Road, Kolkata- 700001;

...Applicant

-Versus-

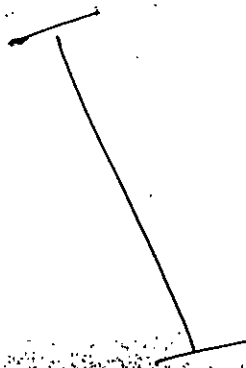
1. UNION OF INDIA service through the Secretary, Ministry of Finance, Department of Revenue, Government of India, North Block, New Delhi-110001.

2. THE CHAIRMAN Central Board of Excise & Customs, Government of India, Ministry of Finance, Department of

Revenue, Government of India, North
Block, New Delhi-110001;

3. **THE PRINCIPAL COMMISSIONER OF
CUSTOMS (ADMINISTRATION &
AIRPORT)**, Custom House, 15/1, Strand
Road, Kolkata- 700001.
4. **THE CHIEF COMMISSIONER OF
CUSTOMS**, Custom House, 15/1, Strand
Road, Kolkata- 700001.
5. **THE ASSISTANT COMMISSIONER OF
CUSTOMS**, Custom House, 15/1, Strand
Road, Kolkata- 700001.
6. **THE DEPUTY COMMISSIONER OF
CUSTOMS**, Custom House, 15/1, Strand
Road, Kolkata- 700001.

...Respondents.



**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**

O.A/350/466/2020

Date of Order: 10.07.2020



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

Tapan Barua..... Applicant

Versus

Union of India & Ors..... Respondents

For The Applicant(s): Mr. P.C.Das & Ms. T.Maity, Counsel

For The Respondent(s): None

ORDER (ORAL)

Bidisha Banerjee, Member (J):

Heard Ld. Counsel for the applicant. Despite service of notice none appears on behalf of the respondents. Affidavit of service is taken on record.

2. This O.A. has been preferred by the applicant to seek the following reliefs:

"a) to quash and/or set aside the impugned charge-sheet dated 24.04.2014 issued by the Commissioner of Customs, Airport and Administration, Custom House, Kolkata against the applicant with the article of charges of unauthorized absent period which has already been regularized by deducting the cumulative leave from applicant's earned leave which is not at all sustainable in the eye of law and also on the ground of withdrawn of salary against the cheque has been issued which has expired and the applicant was not able to encash the same being Annexure A-9 of this original application.

b) To quash and/or set aside the impugned Enquiry Report dated 26.06.2015 signed by the Deputy Commissioner and Enquiry Officer, Custom House, Kolkata which was forwarded to the applicant vide officer letter dated 5th August, 2015 being Annexure A-15 of this original application.

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c) To quash and/or set aside the impugned penalty order of compulsory retirement issued by the Disciplinary Authority dated 16.02.2016 issued by the Principal Commissioner of Customs, (Airport and Administration), Customs House, Kolkata acting as disciplinary Authority being Annexure A-16 of this original application.

D) To quash and/or set aside the impugned order of Appellate Authority dated 31.05.2018 issued by the Chief Commissioner of Customs, Custom House, Kolkata by which the ground of appeal put forth by the applicant before the appellate authority was not considered and the documents/evidences as submitted by the applicant were also not considered and a stereotype order has been passed by upholding the penalty order of compulsory retirement against the applicant which was imposed by disciplinary authority being Annexure A-20 of this original application.

e) To declare that the so-called disciplinary proceedings against the applicant on the basis of baseless charges of unauthorized absent is illegal and arbitrary because such period has been regularized by granting due by the competent authority and under any circumstances it cannot be treated as an unauthorized absent and on that ground the punishment of major penalty order of compulsory retirement against the applicant is wholly bad in law and illegal and it is not sustainable in the eye of law and is liable to be quashed and/or set aside the same.

f) To quash and/or set aside the entire disciplinary proceeding including the charge-sheet, enquiry report, penalty order of punishment of disciplinary authority and the order of the appellate authority and further direct the respondents to reinstate the applicant in service along with full back wages because at the attaining age of 50 years he has got the punishment because of no fault on his part along with panel interest."

3. At the outset, Ld. Counsel for the applicant, Mr. P.C.Das, would submit that the grievance of the applicant is that after the penalty order of compulsory retirement, the applicant preferred revision petition on 27.08.2018 but till date no order has been passed by the Revisional Authority.

4. At this stage, when the matter is stated to be pending for consideration before the Revisional Authority, we dispose of this O.A. by directing the Revisional Authority to consider the revision petition of the applicant as expeditiously as



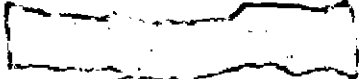
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possible, preferably within a period of three months from the date of receipt of a copy of this order.

5. We make it clear that we have not entered into the merit of this case and all the points shall be considered by the Revisional Authority as per rules.

6. O.A. stands disposed of accordingly. There shall be no order as to costs.



(Nandita Chatterjee)
Member (A)



(Bidisha Banerjee)
Member (J)

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