

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, 234/4 A.J.C Bose Road Nizam Palace Kolkata**

ORDER SHEET

COURT NO. : 1

08.02.2021

M.A./350/57/2021

O.A./350/540/2020

M.A./350/545/2020

(APPROPRIATE ORDER) (EXTN OF
TIME) (MENTIONED)

ITEM NO:2

FOR APPLICANTS(S) Adv. : Mr. P. T. Mahanty

FOR RESPONDENTS(S) Adv.: Mr. B. B Chatterjee

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Notes of The Registry	Order of The Tribunal
	<p>Heard ld. counsel for both sides.</p> <p>2. In similar/connected matter i.e., in M.A 350/537/2020 arising out of O.A 541/2020 in the case of Sudipto Chatterjee vs M/o Statistics, Respondents, as directed, has complied with the directions of the Tribunal by filing an affidavit, which shows as under:</p> <p><i>"7. xxx</i></p> <p><i>(d) UPSC on the above, vide their letter dated 31.12.2020 has inter alia, advised as follows:</i></p> <p><i>The Commission, in view of the above, observe that there seems to be no scope for the Commission to restrict its advice on the quantum of penalty alone, as sought by the Ministry. Instead, the case should be remitted to the DA under Rule 27 (2) (ii) to set aside the penalty and conduct the Inquiry de novo from the stage of the General Examination of the CO. The DA may also be advised to ensure that the Inquiry Process and Report and subsequent processing should meet the requirements as stipulated in the CCS (CCA) Rules."</i></p> <p>3. In view of such, since the UPSC has already directed the Disciplinary Authority to set aside the penalty and conduct the Inquiry de novo, respondents to act in accordance with the advise of the UPSC.</p> <p>4. Respondents shall issue an order regarding reinstatement of the applicant, as expeditiously as possible.</p> <p>5. M.A accordingly stands disposed of. No costs.</p> <p style="text-align: center;">(DR. NANDITA CHATTERJEE) MEMBER(A)</p> <p style="text-align: center;">(BIDISHA BANERJEE). MEMBER (J)</p> <p style="text-align: center;">ss</p>