

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
KOLKATA
(Through video/audio conferencing)



OA. 351/1230/2021

Date of order: 10.09.2021

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

Shri D. Gogoi, IFS, Aged about 59 years, S/o late
Tankeswar Gogoi, Government Saw Mill
Campus, Chattam, Port Blair, presently working
as Chief Conservator Of Forests (D &U), Vanya
Pranni Bhawan, Chatham, Port Blair, Andaman
& Nicobar Islands-744101

.....Applicant

- Versus -



1. The Union of India, Under the Secretary to the Government of India, Ministry of Environment and Climate change, Vigilance Division, Room No.402, Agni Wing, Level IV, Indira Pariyavaran Bhavan, Jobagh Road, Aligunj, New Delhi-110 003;
2. The Andaman & Nicobar Administration, Through the Chief Secretary, Andaman & Nicobar Administration, Secretariat, Port Blair-744101;
3. The Chief Secretary, A&N Administration, Secretariat, Port Blair-744101;
4. The Principal Chief Conservator of Forests, Andaman & Nicobar Islands, Vansadan, Port Blair-744 102, Andaman District

.....Respondents.

For the Applicant : Ms. A. Nag, Counsel

For the Respondents : Mr. K. Rao, Counsel

O R D E R (Oral)

Per Ms. Bidisha Banerjee, JM:

Heard Ld. Counsel for both sides.

2. This OA has been filed to seek the following reliefs:

"8(a) An order/orders setting aside the order dated 14.07.2021 passed by the respondent authorities whereby they refused to stay the disciplinary proceedings and appointed inquiry officer.

(b) An order/orders/direction/directions staying the disciplinary proceedings initiated by the respondent authorities vide memorandum dated 15.12.2020 issued by the disciplinary authority till the disposal of the criminal case.

(c) An order/orders/direction/directions directing the respondent authorities to act in accordance with law.

(d) An order to issue directing the respondents to produce the records of the case before this Hon'ble Tribunal so that consonable justice may be done.

(e) Costs and incidentals of the application may be awarded to the applicant.

(f) Such other or further direction or directions, as your Lordships deem fit and proper in the interest of justice."

2. At hearing, Ld. Counsel for respondents agrees that the matter can

be disposed of with a direction to the Disciplinary Authority to issue a reasoned and speaking order in terms of the direction of this Tribunal as in the earlier OA. No. 780/2021 dated 05.05.2021 where the following orders were passed:

"3. At hearing, it transpired that the applicant has prayed for stay of the departmental proceedings pending criminal trial so that the evidence is not disclosed before the authorities. It is learnt that the representation preferred by the applicant is yet to be disposed of by the authorities but they have decided to proceed with the departmental proceedings. Therefore, in all fairness the original application is disposed of with a direction upon the Disciplinary Authority to consider the prayer of the applicant for stay of proceedings in the light of the decisions cited in the application including that of **M/S Stanzen Toyotetsu India P. Ltd. vs. Girish V & Ors.** as well as **Kusheshwar Dubey vs. Bharat Cooking Coal Ltd. & Ors.** reported in 1988(4) SCC 319 and to pass a reasoned and speaking order on the same, within a period of 2 months from the date of receipt of a copy of this order.



3. Ld. Counsel for applicant alleges that the speaking order has not been issued in compliance of the said direction. We have perused the said order. We are convinced that it is a non-speaking and cryptic order. Therefore, we would quash the speaking order dated 14.07.2021 as contained in Annexure A-7 to the OA at page 38-39 and remand back the matter to the Disciplinary Authority to issue a reasoned and speaking order in conformity of the order passed in the OA 780/2021, within a period of 4 weeks from the date of receipt of a copy of this order.

4. Till such time let no inquiry be proceeded with.

5. Thus, the OA would stand disposed of. No costs.

(Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member (J)

