

CENTRAL ADMINISTRATIVE TRIBUNAL  
KOLKATA BENCH  
(CIRCUIT AT PORT BLAIR)

LIBRARY

CPC 351/103/2020

No. O.A. 351/01350/2019

Date of order: 12.01.2021

Present: Hon'ble Ms Bidisha Banerjee, Judicial Member  
Hon'ble Mr Tarun Shridhar, Administrative MemberShri Kunji Mohammed  
Resident of ABC Apartments, Shadipur,  
Shadipur Post Office,  
Under Port Blair, District South Andaman

.....Applicant

-Versus -

1. The Lieutenant Governor,  
Andaman & Nicobar Island, Raj Niwas,  
Port Blair-744101.
2. The Director General of Police,  
Andaman & Nicobar Island,  
Port Blair-744103.
3. The Deputy Superintendent of Police,  
Police Line, Port Blair-744101.

.....Respondents

Advocate for the Applicant : Mr P.C. Das

Advocate for the Respondents: Mr K. Rao.

ORDERMR TARUN SHRIDHAR, MEMBER(A)

This CPC has been filed in the context of O.A.1350/2019. It has been filed against 3 respondents, namely, Shri D.K.Joshi, Lt. Governor, Andaman & Nicobar Island, Shri Dependra Pathak, Director General of Police, Andaman & Nicobar Island and Shri George Lalu, Deputy Superintendent of Police, Port Blair alleging non compliance of the interim order of this Tribunal dated 27.09.2019 passed in O.A.1350/2019. The O.A pertains to one applicant Shri Kunji Mohammed, Sub Inspector of Police who is facing disciplinary proceedings. These proceedings are an outcome of a criminal case against the applicant. The contention of the applicant in

the O.A is that subsequent to his acquittal at the level of the Hon'ble High Court, the disciplinary authorities should be restrained from conducting any further proceedings against him.

2. During the course of hearing of that O.A this Tribunal on 27.09.2019 had passed the following interim order :



*"In view of that the applicant has been acquitted by a criminal charges and in consideration he had preferred an appeal seeking consideration of his acquittal from charges and praying for reinstatement and preferred an appeal to the Lt. Governor but the D.G of Police being the Disciplinary Authority has reinstated his under deemed suspension and further directed for an enquiry.*

*Therefore, we stay the entire proceedings until reply is filed by the respondents to clarify how such order has been passed by the Disciplinary Authority.*

*Respondents also to take instructions about the speaking order issued in terms of the direction of this Tribunal in 2015.*

*Affidavit of service filed by the applicant is taken on record.*

*List on 01.11.2019.*

*Liberty is given to communicate the gist of the order..*

*Plain copy of this order be handed over to the Id. Counsel for both sides."*


It is this order which is alleged to have been violated by the respondents as annexed by the applicant by continuing with the disciplinary proceeding as Enquiry Officer has issued notices to the applicant to appear before him for further enquiry. The applicant alleges deliberate and willful violation by the respondents.

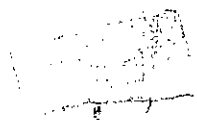
3. Ld. Counsel for the respondents draws our attention to the specific language and expression contained in the order dated 27.09.2019 of O.A.1350/2019 which unambiguously states that the proceedings are stayed until reply is filed by the respondents to clarify how such order has been passed by the Disciplinary Authority. He informs that this order was complied with in letter and spirit and the Disciplinary Proceedings remained stayed. The matter has been reviewed only after the reply was filed by the respondents in accordance with the direction of the Tribunal contained in its order dated 27.09.2019.

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4. Facts narrated and arguments adduced by the learned counsel for the respondents holds good and accordingly the CPC proceedings are dropped. In any case no prejudice has so far been caused to the applicant, and as the matter is only at a preliminary stage of disciplinary proceedings, he always enjoys a right to approach this Tribunal or any other appropriate forum to ventilate his grievances, if he so feels.



  
(Tarun Shridhar )  
Administrative Member

  
(Bidisha Banerjee )  
Judicial Member

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