

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

No R.A. 96/1996 with  
M.A. 359/1996  
(O.A. 1065/1995)

Present : Hon'ble Mr. D. Purkayastha, Judicial Member  
Hon'ble Mr. G.S. Maingi, Administrative Member

UNION OF INDIA & ORS.

VS.

AMIYA KUMAR BANERJEE

For the <sup>Review</sup> applicants : Mrs. B. Ray, counsel

For the opposite party : Mr. G.C. Mukherjee, counsel  
Ms. S. Sinha, counsel

Heard on : 23.3.2000

O R D E R

Order on : 23.3.2000

R.A. 96/1996 has been filed by the respondents of O.A. No. 1065/1995 praying for review and recall of the order dated 23.9.96 finally disposing the O.A. 1065/1995. M.A. 359/1996 has been filed praying for condonation of delay in the matter of filing R.A. beyond time.

2. We have heard ld. counsel for both sides on this R.A. We find that the O.A. 1065/1995 was decided and disposed of by this Tribunal by the order dated 23.9.96 taking note of the submission of the respondents (review applicants) that the D.A. proceeding against the original applicant could not be concluded for want of vital document and it was further submitted by the respondents as noted in para 2 of the order, that the D.A. proceeding was ultimately dropped on 22.8.96. Taking that fact into consideration, the Tribunal disposed of the said O.A. by giving the following directions :-

"Accordingly, the application is disposed of with a direction upon the respondents to extend to the petitioner all the benefits, which he would get under the rules, if he was never suspended or faced any DA proceeding including promotion to H.S.G. Gr. II under the BCR Scheme. His retiral benefits shall be correspondingly refixed and all arrears to which he may be found

entitled by the reason of such fixation shall be released within six months from the date of communication of this order."

Now in the review application the respondents who are the review applicants herein, have taken the plea that as per the aforesaid direction of the Tribunal release of retiral benefits to the original applicant could not be made due to pendency of criminal proceeding against him. For ascertaining the latest position of the aforesaid criminal case pending in the Alipore Sessions Court, Assistant Public Prosecutor was approached and it was intimated that the same was transferred to Barasat Court in 1995 which is still pending. It is the further plea of the respondents that in view of pendency of the aforesaid criminal proceeding, no pensionary benefit can be granted to the original applicant under Rule 69 of CCS Pension Rule, 1972.

3. In the M.A. for condonation of delay the respondents (review applicants in R.A.) have submitted that because of the delay in getting the information from the concerned criminal court the R.A. could not be filed in time. They have, therefore, prayed for condonation of delay.

4. Ld. counsel, Mr. G.C. Mukherjee appearing on behalf of the original applicant relied upon the judgment passed by the Hon'ble Apex Court reported in 1989(10) Administrative Tribunal Cases-759(Raghu Nandan Singh Vs. Union of India & Ors.) wherein it is opined that, application for review on grounds not falling within the purview of review as contemplated in Order 47, Rule 1 of CPC is not maintainable. He further relied on another judgment of the Hon'ble Supreme Court reported in (1997)8 Supreme Court Cases 715(Parsion Devi and Others Vs. Sumitri Devi and Others) wherein it is observed that rehearing the matter for detecting an error in the earlier decision and then correcting the same do not fall within the ambit of review jurisdiction.

5. Ld. counsel Mrs. B. Ray appears for the review petitioner and submits that Mrs. U. Sanyal who is appearing for the alleged contemners (review applicants herein) will lead her in this R.A. also. However, Mrs. Sanyal submits that she has only been engaged in the CPC and that she will not lead Mrs. Ray in this R.A. Mrs. Ray reiterated the averments made in the R.A. and submits that till criminal proceeding is concluded, no retiral benefits etc. could be released to the original applicant in compliance of the order of the Tribunal dated 23.9.96.

6. We have gone through the judgment/order of the Tribunal in O.A.No.1065/1995. We do not find any mention of any pending criminal proceeding against the original applicants. It is noted that an FIR was lodged in the local police station for criminal breach of trust by the petitioner in respect of certain Government money. Whether any proceeding was started or not does not appear to be disclosed before this Tribunal during the hearing of the O.A. It was only stated that a disciplinary proceeding was started against the original applicant which was ultimately dropped on 22.8.96 and in view of the matter, the Tribunal passed the aforesaid order. The plea now taken by the respondents is completely a new one. It is now well settled that a review can be made when there was some gross mistake or error apparent on the face of the judgment under review or when the parties seeking review could not produce any vital document at the time of hearing in spite of exercise of due diligence. Since the D.A. proceeding started against the applicant dropped by the respondents themselves the Tribunal passed the aforesaid order. We therefore, find no merit in this review application. Accordingly, the R.A. is dismissed. Consequently, the M.A. bearing No.359/1996 also stands dismissed.

7. No order is passed as to costs.

*esmanuj*  
23.9.96  
MEMBER(A)

*H. G. B. 23/9/96*  
MEMBER(J)

फार्म संख्या—४  
FORM No.—4

RA No. 96/96  
[OA No. 1065/95]  
with MA No. 359/96

केन्द्रीय प्रशासनिक अधिकरण  
CENTRAL ADMINISTRATIVE TRIBUNAL

कलकत्ता न्यायपीठ, कलकत्ता  
CALCUTTA BENCH, CALCUTTA

आदेश पत्र  
ORDER SHEET

आवेदन संख्या  
Application No.

का १९९  
of 199

आवेदक  
Applicant (s) *मो० रा०. (शु०. पोस्ट)*  
आवेदक का वकील  
Advocate for the Applicant(s) *Ms. B. Ray*

प्रत्यर्थी  
Respondents *Mr. A. K. Banerjee*  
प्रत्यर्थी का अधिवक्ता  
Advocate for the Respondent (s) *Mr. G. Mukherjee*

रजिस्ट्री को टिप्पणियाँ  
Notes of the Registry

न्यायपीठका आदेश (in the OA)  
Orders of the Tribunal

RA No. 96/96 <sup>with MA 359/96</sup> have been  
filed by the ~~applicant~~ <sup>respondents</sup>  
to review the order dt.  
23.9.96. The ~~applicant~~ <sup>respondents</sup> filed the  
Application is fixed for orders on 29-8-97.  
The above mentioned RA +  
MA may kindly be placed  
before the Hon'ble VC and  
the Hon'ble Member (A)  
to dispose of the case by  
circulation.

Submitted to the Hon'ble VC at the first  
instance. The Review Appn. is against  
the judgment pronounced by him.

Hon'ble VC.

*4/8/97.*

*27/6/97*  
*30/6/97*  
*20/6/97*  
*30/6/97*  
*20/6/97*  
*30/6/97*  
Hon'ble vice chairman

Hon'ble Member (A) :  
*Mr. M. S. Mukherjee*

RA 96/96

MA 359/96

(OA 1065/95)

रजिस्ट्री को टिप्पणियाँ

Notes of the Registry

न्यायपीठका आदेश

Orders of the Tribunal

As for order in RA may  
be listed for preliminary  
by on 21/1/98.

So (g) may kindly see.

2/11/97

So (gnd)

A. A. (T)

So (J)

AK  
4.2  
S. 0/1

AK  
06/11/97

23-1-98 (C-J)

ad adv for appl Ms B Ray  
is present. Matter is adjd.  
to 27-2-98 for prelim by.

A.M.

V.C

**Mrs. Bharati Ray**

B.Sc., B.Ed., LL.B.  
Advocate

**CENTRAL ADMINISTRATIVE TRIBUNAL  
BAR ASSOCIATION**

2nd M. S. O. Building (12th Floor),  
C. G. O. Complex : NIZAM PALACE,  
234/4, A. J. C. Bose Road,  
Calcutta-700 020.

Ref. No. \_\_\_\_\_

Date 19.11.1996.

To  
The Registrar,  
Central Administrative Tribunal,  
Calcutta Bench : Calcutta.

Sub : RA No. 96 /96 & MA No. 358 /96 arising  
out of OA No. 1065 /95

Sir,

I do hereby undertake to serve the abovementioned  
RA No. /96 and MA No. /96 on the opposite  
party in due time.

Yours faithfully,

*Bharati Ray*

( Bharati Ray )  
Advocate.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH.

( REVIEW APPLICATION NO. OF 1996

( ARISING OUT OF O.A. NO. 1065 OF 1995 )

IN THE MATTER OF : Amiya Kumar Banerjee ... Applicant.

- Versus -

Union of India & Ors. ... Respondents.

A N D

IN THE MATTER OF : An application under Section 22(3)(f) of the Administrative Tribunals Act, 1985 read with Rule 17 of Central Administrative Tribunal (Procedure) Rules, 1987, as amended upto date, for Review of Judgement AND Order passed by the Hon'ble Central Administrative Tribunal, Calcutta Bench in O.A. No.1065 of 1995.

A N D

IN THE MATTER OF : Union of India & Ors. ... Applicants.

- Versus -

Amiya Kumar Banerjee ... Opposite Party.

The applicants herein respectfully Sheweth :-

1. That the Original Application was moved by the Opposite Party (applicant) herein for (a) fixation of Pension after giving all benefits from 1979 to 1991 and all other Pensionary benefits including allowing the applicant to commute his pension, and (b) interest on all Pensionary benefits to the tune of Rs.19 from the date of superannuation i.e. 31.10.91 till the amount paid.

2. That the opposite party herein had retired as a Postal Assistant of Basirhat Head Office under Barasat Division. An F.I.R. in the local Police Station was lodged on 03.4.79 alleging commission of offence of criminal breach of trust by the Opposite Party herein in respect of Rs.20,000/- on 22.7.77 and 29.3.78 when he was posted as Sub-Postmaster of Devalaya Sub Office. The case No.1 dated 03.4.79 under Section 409 IPC was started. The Police in course of investigation seized relevant documents including the material pass book and the Police investigation having ended in charge sheet, the case has been allotted to the 2nd Special Court, Alipore under Case No.95/91 (Page2, para (b) of reply to O.A. No.1065 of 1995). The opposite party was suspended on 03.5.79 which was revoked on 22.4.83 when he resumed duty.

3. Before a month of retirement of the opposite party, a major penalty charge sheet was issued to him but the disciplinary proceedings could not be completed before his retirement and a report dated 21.3.94 was submitted by the Enquiry Officer. The relevant document, the pass book, could not be made available and as such the enquiry officer submitted his report which concluded with the remarks that the charges have not been proved which was afterwards agreed to by the Divisional Superintendent who forwarded the same to the Chief Postmaster General which was received back with the instruction for further processing and disposing of the case from this office. But ultimately, during the pendency of the O.A. No.1065/95, the disciplinary proceeding was dropped on 22.8.96. as the material pass book which was seized by the Police during investigation could not be obtained from Police authority despite making all possible efforts to that end.

4. That an order was passed by this Hon'ble Tribunal on 12.7.96 directing Shri K.L.Bose, IPS and the Superintendent of Police, North 24 Parganas, Barasat, on 27.8.96, a copy of which is annexed hereto and marked 'R-II'.

5. That on 27.8.96, when the matter appeared before this Hon'ble Tribunal, both the abovenamed persons appeared but the Ld. Counsel for the opposite party submitted before this Hon'ble Tribunal about the dropping of the disciplinary proceeding and the same was supported by the Counsel for the applicants herein (Respondents in O.A.). The matter was kept reserved for the judgement.

6. That the Hon'ble Tribunal was pleased to observe that "in view of the fact that the DA proceeding has since been concluded in favour of the petitioner, a direction has to be given to the respondents for extending all benefits to him, which he would have received if he had continued in service till he <sup>attains</sup> attends the age of superannuation without ever been placed under suspension or facing a DA proceeding" and disposed of the application with a direction that "the respondents to extend to the petitioner all the benefits, which he would get under the rules, if he was never suspended nor faced any DA proceeding including promotion to H.S.G. Gr.II under the BCR Scheme. His retiral benefits shall be correspondingly refixed and all arrears to which he may be found entitled by the reason of such fixation shall be released within six months from the date of communication of this order". A copy of the Judgement in O.A.No.1065/95 dated 23.9.96 is annexed hereto and marked 'R-I'.



7. The applicants herein humbly submit that the above Judgement of the Hon'ble Tribunal needs to be reviewed for the ends of justice on the following grounds :-

I. For that the Hon'ble Tribunal was/is at err in observing that "DA proceeding has since been concluded in favour of the petitioner, a direction has to be given to the respondents for extending all benefits to him, which he would have received if he had continued in service till he attains the age of superannuation without ever been placed under suspension or facing a DA proceeding" and by directing upon the respondents therein "to extend to the petitioner all the benefits, which he would get under the rules, if he was never suspended nor faced any DA proceeding including promotion to H.S.G. Gr.II under the BCR Scheme. His retiral benefits shall be correspondingly refixed and all arrears to which he may be found entitled by the reason of such fixation shall be released within six months from the date of communication of this order", when the Criminal Proceeding is still pending (Para 4 of Order of the Hon'ble Tribunal dated 12.7.96 'R-II' read with Para 4 of the reply of the respondents therein), The Hon'ble Tribunal was at err & in giving that direction as it is not possible to give such relief when the criminal proceeding against the opposite party (applicant) is still pending.

II. For ascertaining the latest position of the criminal case the APP, Alipore Session Court was approached and he intimated that the case had been transferred to Barasat Court in 1995. The reply of the APP, Alipore, is annexed herewith and marked 'R-III'. Accordingly the Ld.P.P. North 24-Parganas was addressed on 15.11.96 for ascertaining the latest position of the case. But the Ld.P.P. was not able to furnish any information on that date. (marked as 'R-IV')

III. For that the criminal proceeding started against the opposite party is still pending and under Rule 69 of CCS(Pension) Rules, 1972 no pensionary benefit can be granted excepting the provisional pension till the criminal proceedings is concluded.

Relief(s) prayed for

1. In the facts and circumstances and grounds stated above, the applicants herein humbly pray that the Order/Judgement dated 23.9.96 may be reviewed and necessary order or Orders as this Hon'ble Tribunal deems fit and proper may be passed.

2. Operation of the Order passed by the Hon'ble Tribunal dated 23.9.96 may be stayed till the disposal of this Review Application.

A F F I D A V I T

I, ...*Shri. Hira Lal Ray*.....  
son of *Late Agni Kr. Ray*.....  
aged about *51*... years, working as *Superintendent* of  
*Post Barasat Division*..... resident of *Burphi*  
*Banmain. Nagar. Po. - Barui pur St. South 29 Purpo.*  
do hereby solemnly affirm and say that the contents  
of foregoing paragraphs are true to my knowledge based  
on official records and that I have not suppressed any  
material facts.

Place : *Barasat*

Dated : *19/11/96*

*Hira Lal Ray*  
Signature of the Deponent.

डाक अधिकारी  
Superintendent of Post Office  
बारासात प्रखण्ड, बारासात-743201  
Barasat Division, Barasat-743201

Identified by me.

*Shri. Mukherjee*  
*Inspector Post* 19/11/96  
*Barasat DN*

To  
The Registrar  
Central Administrative Tribunal,  
Calcutta Bench.

Solemnly affirmed and  
declared on Identification.

*J. M. Bhattacharjee* 19/11/96  
जे० एम० भट्टाचार्य  
संयुक्त रजिस्ट्रार,  
केन्द्रीय प्रशासनिक अधिकरण  
कलकत्ता न्यायपीठ, कलकत्ता  
J. M. Bhattacharjee,  
Joint Registrar  
Central Administrative Tribunal  
Calcutta Bench, Calcutta

- 5 -

R-I

56-A

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

O.A. No. 1065 of 1995

**Present :** Hon'ble Mr. Justice A.K. Chatterjee, Vice-Chairman  
Hon'ble Mr. M.S. Mukherjee, Administrative Member

AMIYA KR. BANERJEE

-vs-

UNION OF INDIA & CRS.

For applicant : Mr. G. Mukherjee, counsel

For respondents: Ms. B. Ray, counsel

Heard on : 27.8.1996

Order on : 23.9.1996

O R D E R

A.K. Chatterjee, VC

The petitioner had retired as a Postal Assistant of Basirahat <sup>Head</sup> Office under Barasat Postal Division and on 3.4.79, the concerned Superintendent of Post Office had lodged an F.I.R. in the local Police Station alleging commission of offence of criminal breach of trust by the petitioner in respect of Rs.20,000/- on 22.7.77 and 29.3.79, when he was posted as Sub-Postmaster of Devalaya Sub Office. He was suspended on the following day, which was revoked on 22.4.83 when he resumed duty. A month before his retirement, the Superintendent of Post Offices issued a major penalty charge-sheet to him. The disciplinary proceeding could not be completed before his retirement and a report dated 21.3.94 was submitted by the Enquiry Officer stating that the charge against the petitioner was not proved.

Because of long pendency of disciplinary proceeding, the petitioner contends that he was deprived of the benefit of service like promotion to higher selection grade-II under the BCR Scheme and the instant application has been filed for relief regarding fixation of pension after giving all benefits from 1979 till the retirement and all pensionary benefits including commutation of pension.

2. The respondents in their counter contend that the DA proceeding could not be concluded for want of a vital document and fixation of pension was withheld due to the pendency of such proceeding. However, at the time of hearing of the present application, we are informed by the Ld. Counsel for the respondents that the DA proceeding has been ultimately dropped on 22.8.96.

3. In view of the fact that the DA proceeding has since been concluded in favour of the petitioner, a direction has to be given to the respondents for extending all benefits to him, which he would have received if he had continued in service till he attends the age of superannuation without ever been placed under suspension or facing a DA proceeding.

4. Accordingly, the application is disposed of with a direction upon the respondents to extend to the petitioner all the benefits, which he would get under the rules, if he was never suspended <sup>nor</sup> faced any DA proceeding including promotion to H.S.G. Gr. II under the BCR Scheme. His retiral benefits shall be correspondingly refixed and all arrears to which he may be found entitled by the reason of such fixation shall be released within six months from the date of communication of this order.

5. No order is made as to costs.

सत्यापित प्रति सत्यापित  
Certified to be true copy

Court Officer

केन्द्रीय प्रशासनिक अधिकरण

Central administrative Tribunal

कोलकाता न्यायाधीश

Calcutta Bench

M.S. Mukherjee  
Member (A)

Attest



A.K. Chatterjee  
Vice-Chairman

- 7 -  
CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

U.A. 1065 of 1995

R-14  
Date of order : 12.7.96

Present: Hon'ble Mr. Justice A.K.Chatterjee, Vice-Chairman  
Hon'ble Mr. M. S. Mukherjee, Member(A)

AMIYA KR. BANERJEE

VS

UNION OF INDIA & ORS



For the petitioner : Mr. G.Mukherjee, counsel  
Dr.(Ms) S.Sinha, counsel

For the respondents: Ms. B.Roy, counsel

O R D E R

M.S.Mukherjee, A.M.:

This is a petition u/s 19 of the A.T.Act, 1985, in which the petitioner is aggrieved that a disciplinary proceeding was started against him on 30.9.91 on the basis of charges relating to the events of 1977 and although the Inquiry Officer has exonerated him of the charges in the DA proceedings, the proceedings have not yet been concluded as a result of which the petitioner, who has retired from service on 31.10.91, has been denied appropriate pensionary benefits.

2. The respondents have contested the case by filing a written reply. Their case is that the charges against the petitioner are serious. The petitioner was functioning as Sub-Post Master, Devalaya Sub-office between 22.7.77 and 16.2.79. On 22.7.77, he received Rs. 10000/- from one Md. Abed Ali for 3-Yr. time desposit account and the petitioner issued a 3-Year Time Deposit Account in the name of Md.Abed Ali allotting his office Time Deposit A/c No. 3059513 though the said A/c No. had actually been held by one Rahimuddin Mollah and was closed on maturity on 14.4.77.

3. The petitioner thereafter accepted a further sum of Rs. 10,000/- from Md. Abed Ali as the second deposit in his aforesaid account on 29.3.78 in the aforesaid TD A/c. The petitioner also paid Rs. 900/- to Md. Abed Ali on 2.8.78 being interest on the first deposit of Rs. 10000/- dated 22.7.77. All the above noted three transactions were entered in the pass book of Md. Abed Ali by the pass book under his initial and date stamp impression of the respective dates of Devalaya Sub Post Office but none of the said transactions were accounted for in the Govt. A/c.

4. The respondents reported the case to the Deganga Police station and Deganga PS case No. 1 dated 3.4.79 u/s 409 IPC was started. The police in the course of investigation seized the relevant documents including the material pass book. Eventually the police submitted charge-sheet and the criminal case No. 95/91 is still pending in the court of 2nd Special Court, Alipore. The respondents state that no further development in the criminal case is known to them.

5. However, the Department separately started a DA proceeding against the petitioner through a charge-sheet dt. 30.9.91. The petitioner denied the charges and the Inquiry officer was appointed. The Inquiry Officer, however, held that the charges could not be proved against the petitioner because of absence of material pass-book. The DA proceeding is still pending as per the respondents.

6. Now to recover the material pass book, there has been repeated correspondence between the Superintendent of Post Office, Barasat Division and the Superintendent of Police, North 24 Parganas. Annexure-R1 to the reply of the respondents is a copy of a letter written by Shri S.K.Saha, Superintendent of Post Offices, Barasat Division to Shri K.L.Bose, Superintendent of Police, North 24 Parganas on 27.11.95 which inter alia indicates



that the said pass book was still in the custody of the Police Deptt. and that the same is not easily traceable. it further transpires that <sup>at some stage</sup> ~~earlier~~ the Police Deptt. <sup>has</sup> advised that the said pass book was in the custody of one D.B.Das, DEO, Barasat, who has since retired and the Police Deptt. has advised the Postal Deptt. to contact Shri D.B.Das in his post-retirement address and to retrieve the pass book from him.

7. This is rather strange. In the absence of this original material document, there cannot be any satisfactory conclusion of the DA proceedings. If the original pass book which only contains direct documentary evidence, if any, of the delinquent employee's attempt to defraud the Govt. is missing from the Police Deptt.'s custody, it will only frustrate the ends of justice, including proper conclusion in the DA proceeding against the petitioner. 2

8. In order, therefore, to prevent the abuse of the judicial process and to secure ends of justice, we direct under Rule 24 of the CAT (Procedure) Rules, 1987, that Shri K.L.Bose, IPS, Superintendent of Police, North 24 Parganas, and Shri S.K.Saha, Superintendent of Post Offices, Barasat Division, shall appear in person before this Court on 27-8-1996 at 10:30 AM to give further evidence in the matter with reference to Annexure-R1 to the reply of the respondents.

9. The Registry is directed to issue appropriate summonses to these officers u/s 22 of the A.T.Act, 1985 immediately <sup>also</sup>

*with a copy of this order and a copy of Annexure R-1 to the Reply.*

34/217  
(M.S.MUKHERJEE)  
MEMBER (A)  
12.7.96



KA.K.CHATTERJEE  
VICE CHAIRMAN  
12.7.96

(a) Sl No of the "Appln" ..... 2152  
(b) Name of the applicant Ms. B. Ray, A  
(c) Dt. of presentation of application for copy ..... 12.7.96  
(d) No. of pages ..... 3  
(e) Copying fee charged/urgent or ordinary ..... Free  
(f) Dt. of preparation of copy ..... 26/7/96  
(g) Dt. of delivery of the copy to the applicant ..... 16.7.96

सत्यापित प्रति प्रमाणित  
Certified to be true copy  
Court Officer  
केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
कलकत्ता न्यायपीठ  
Calcutta Bench

As per your letter

I have interviewed  
the case and for  
your information

~~you may~~

all the cases

at north 24 Paven

transferred to

Bervaisat court

[Din and Judge's

case] in the

year 1995 probably

so all the information

will be available

from D.P.P. 24 Paven

at Bervaisat

Attested

Shanai Pr.  
Annam

14/11/96

14/11/96

14/11/96



भारतीय डाक विभाग  
DEPARTMENT OF POSTS, INDIA

प्रेषक  
From

Supdt. of Post Offices,  
Barasat Division,  
Barasat - 743 201.

सेवा में  
To

Shri Tapan Banerjee,  
APP, Alipore Session Court,  
Alipore.

क्रम संख्या  
No.

F2-20/79-80/Ch-II.

दिनांक

Dated at

Barasat the November 07, 1996. After

विषय  
Subject

: Alipore 2nd Spl. Court Case  
No. 95/91.

S i r,

I would like to inform you a fraud was committed in a 3 year Time Deposit A/c. bearing No. 3059513 by Shri Amiya Kumar Banerjee, formerly sub-Postmaster, Devalaya S.O. (now retired). The matter was registered at Deganga P.S. under P.S. case no. 1 dated 3.4.79 u/s 409 IPC.

Now, The DEB authority intimated vide memo No. 964/DEB(N) dtd. 16.5.92 that the C.D. alongwith the C.S. of the cases was received by the P.P. South Office on 22-7-85 vide SL-No. 87/85. The Dy. Supdt. of Police (DEB) also has intimated that the case has been allotted to you and the case docket was accordingly received by you on 5-7-91 from the office of the P.P. South. As appears from this office file the case was allotted to Alipore 2nd Spl. Court under No. 95/91.

Now, the latest position of the Court case is not known to this office. I, therefore, would request you kindly to enlighten the department on the present position of the court case. Smt. Sikha Mukherjee, Complaints Inspector of this Division has been directed to contact you in the matter.

Thanking you.

Yours faithfully,

( sol/- )  
Supdt. of Post Offices,  
Barasat Division,  
Barasat - 743 201.

Copy to :-

1. Smt. S. Mukherjee, C.I., Barasat Division. - She will please contact Shri Tapan Banerjee, APP, and ascertain the latest position of Alipore 2nd Spl. Court case No.

पत्र-व्यवहार-22  
Corr.-22

भारतीय डाक विभाग  
DEPARTMENT OF POSTS, INDIA

प्रेषक  
From the Supdt. of P.Os.  
Barasat Division,  
Barasat - 743 201.

सेवा में  
To

The Public Prosecutor  
North 24-Parganas,  
Barasat Court,  
Barasat.

क्रम संख्या

No. F2-20/89-80/Ch.II.

दिनांक

Dated at Barasat the November 15, 1996.

विषय  
Subject

Alipore Spl. Court case No.95/91.

S i r,

I would like to inform you that consequent on detection of mis-appropriation of Govt. money by Sri Amiya Kumar Banerjee, formerly Sub-Postmaster, Devalaya S.O. (now retired) an F.I.R. was lodged at Deganga P.S. and registered at Deganga P.S. under case No.01 dated 3.4.79 U/S 409 I.P.C. Now, as intimated by the DEB authority vide memo. No.964/DEB(N) dtd.16.5.92 that the C.D. along with the C.S. of the case was received by the P.P. South office on 22.7.85 vide Sl.No. 87/85. The DEB authority also intimated that the case had been allotted to Shri T.Banerjee, APP, Alipore Session Court who received the case docket on 5.7.91 from the office of the Ld. P.P.South. From this office file it appears that the case was allotted to Alipore 2nd Spl. Court No.95/91. Shri Banerjee, APP, on being approached intimated that instant case had been transferred to Barasat Court (District & Judge Court) in the year 1995.

Now, I would request you to kindly intimate the last position of the case (i.e. case No.95/91), as the Department is absolutely in dark about the fate of the case. It may be mentioned here a certificate about the present position of the criminal case from you is required for filing of a Review Petition before the Central Administrative Tribunal in view of an order passed by the Hon'ble Tribunal on 23.9.1995 in disposing of the original application No.1065 of 1995. Amiya Kumar Banerjee Vrs. Union of India & Ors. In the said order the Hon'ble Tribunal directed this Department to extend to Sri Amiya Kr. Banerjee all benefits which he would get had he not been placed under suspension in consequence of his misappropriation of Govt. money and also to all full pensionary benefits to Shri Banerjee. Now, as per the provision of the Departmental Rules, such benefits as have been ordered by the Hon'ble CAT, cannot be extended to any Govt. official, if any criminal case is pending against him.

So, a certificate to the effect, the criminal case No.95/91 is still pending in this respect is required to be submitted along with the Review Petition.

With regards,

Yours faithfully,

Supdt. of Post Off.  
Barasat Division,  
Barasat - 743 201.

contd.....P/2.

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Copy forwarded to :

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Shri Sudhir Halder, P.R.I.(P), Barasat H.O., Barasat-743201.  
He will please contact the office of the Ld. Public Prosecutor,  
North 24 Parganas at Barasat Court and ascertain from him the  
latest position of the criminal case No.95/91 and submit his  
report containing results thereof today positively.

*[Signature]*  
Supt. of Post Offices,  
Barasat Division,  
Barasat - 743 201.