

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH
- - - -

O.A. No. 618 of 1997.

Present : HON'BLE DR. B.C. SARMA, ADMINISTRATIVE MEMBER.
HON'BLE MR. D. PURKAYASTHA, JUDICIAL MEMBER.

Md. Mozammel Haque Mollah
S/o- Morhum Golam Bari,
Vill & PO. Dahakanda,
PS. Mathurapur,
Dist- 24 Pgs. (S).

... Applicant.

Vrs.

1. Union of India,
through the Chief Post Master
General West Bengal.
2. The Chief Post Master General,
West Bengal Circle,
Joygayog Bhavan, Cal-12.
3. Sudt. of P.Os,
South Presidency Divn,
Baruipur.
4. Sub-Divl. Inspector of P.Os,
Mathurapur Sub-Divn,
Bishnupur.
5. The Sub-Post Master,
Mathurapur P.S.
6. The Overseer, Mail,
Mathurapur P.S,
~~Mathurapur~~
7. Arabinda Halder,
Extra Depttl. Delivery Agent,
Dahakanda Branch P.O.
8. Nishikanta Halder, E.D. Mail Peon.
9. Uma Rani Halder, C/o- Lt, Sannyasi of
Dahakanda.

... Respondents.

For applicant : Mr. M.J. Abedin, Counsel.

For respondents : Mrs. K. Banerjee, Counsel.

Heard on : 15.12.97.

Ordered on : 15.12.97.

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O R D E R

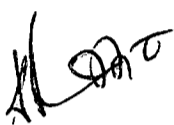
B.C.Sarma, AM.

1. The dispute raised in this petition is about the quashing of the put off duty order issued against the applicant dated 7.4.1995. The applicant contends that no charge-memo has yet been issued and, hence, the grievance.
2. As directed by us, the respondents have filed a reply at the stage of admission hearing, which we have perused.
3. When admission hearing was taken up today, Mrs. Banarjee, Id. Counsel for the respondents invited our attention to the contention of the respondents at sub-para (v) of para 3 at page 4 of the reply, which states that a charge memo dated 25.6.97 has already been issued against the applicant and a board of inquiry has been constituted to hold the disciplinary proceedings against the delinquent E.D. official i.e. the applicant.
4. We have heard the submission of the Id. Counsel for both the parties, perused records and considered the facts and circumstances of the case. We find that the applicant has come before this Tribunal only against the put off duty order and in the meantime charge memo has been issued. The charge-sheet could not be challenged by the applicant since it was issued after filing of this petition, the date of which is 4.6.97. We are, therefore, of the view that instead of keeping the matter pending, appropriate order should be passed at the stage of admission hearing itself.
5. Accordingly, the application is disposed of at this stage with the direction that within 6 (six) months from the date of communication of this order, the respondents shall complete the

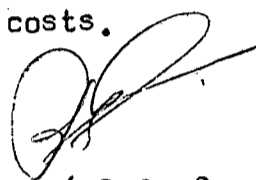


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disciplinary proceeding instituted against him, if necessary by holding day-to-day inquiry upto the stage of the final order by the disciplinary authority. We direct the applicant to co-operate with the said inquiry. If the applicant does not co-operate, the respondents, as per rules, shall have the liberty to proceed ex-parte. Liberty is given to the applicant to approach this Tribunal, if he is aggrieved by the order to be passed by the respondents. No order is passed as regards costs.



(D. Puckayastha)
Member (J)



(B.C. Sarma)
Member (A)

P/K/C.
15/12.