

CENTRAL ADMINISTRATIVE TRIBUNAL

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CALCUTTA BENCH

O.A. No. 67 of 1997.

Present : HON'BLE DR. B.C. SARMA, ADMINISTRATIVE MEMBER.

HON'BLE MR. D. PURKAYASTHA, JUDICIAL MEMBER.

Abhilash Barman,
S/o- Lt, Shyama Charan Barman,
resident of Amberia, Via- Hingalhanj,
Dist- North 24 Pgs.

... Applicant.

Vrs .

1. Union of India,
through the Secretary,
Ministry of Communications,
Dept. of Posts,
Dak Bhavan,
New Delhi-1.
2. The Chief Postmaster General,
West Bengal Circle,
Yogayog Bhavan,
Calcutta- 12.
3. The Supdt. of Post Offices,
Barasat Division,
Dist- 24 Pgs.(N).

... Respondents.

For applicant : Mr. N. Chattecharjea, Counsel.

For respondents : Mr. S.K. Dutta, Counsel.

Heard on : 18.12.97.

Ordered on : 18.12.97.

O R D E R

B.C.Sarma, AM.

1: The applicant's grievance in this petition is that he has been placed under put off duty with effect from 4.3.1994. Thereafter, on 9.2.1995 a Charge Memo was issued against him on the ground that he has allegedly refused to hand over the charge of the office to one Shri Kishori Mondal violating the Rule 17 of EDA (Conduct & Service) Rules, 1964 and other charges. The applicant is aggrieved by the fact that nothing has been done by the respondents in the disciplinary proceeding since then, as a result of which, he has been suffering from hardships. He has, therefore, prayed in this petition that



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the put off duty order effective from 4.3.1994 be quashed and set aside and the disciplinary proceedings also be stayed; alternatively, a direction be issued on the respondents to complete the proceedings within a fixed period.

2. A reply has been filed by the respondents in this petition, which we have perused.

3. We have heard the submission of the 1d. Counsel for both the parties, perused records and considered the facts and circumstances of the case. It appears to us that some serious allegations about indiscipline on the part of the applicant have been made in the charge memo. There is no justifiable ground either adduced by him or has it exists in the facts of the case to quash either the put off duty order or charge-sheet at this stage. Since disciplinary proceeding has been instituted against the applicant, it must be brought to a logical conclusion. We are, therefore, of the view that appropriate order to be passed in this case will be to give a suitable direction in the matter.

4. In view of the above, the application is disposed of at the stage of admission hearing itself with the direction that within 6(six) months from the date of communication of this order, the appropriate respondent shall complete the disciplinary proceeding upto the stage of appropriate order ^{as per} ~~order~~ under the law by the disciplinary authority. We direct the applicant to co-operate in the carriage of the proceeding and, if it is not done, the respondents shall have the liberty to proceed ex-parte as per rules. No order is passed as regards costs.

(D. Purkayastha)
Member (J)

(B.C. Sarma)
Member (A)