

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

M.A. No.446 of 1997

M.A. No.447 of 1997

(OA No.183 of 1997)

Present: Hon'ble Dr. B.C. Sarma, Administrative Member

Hon'ble Mr. D. Purakayastha, Judicial Member

SUPRAKASH SAHA

VS

UNION OF INDIA & ORS.

For the Applicant : Mr. R.M. Roychowdhury, counsel

For the Respondents : Mrs. Uma Sanyal, counsel

Heard on 11.12.1997

Date of order: 11.12.1997

O R D E R

B.C. Sarma, AM

O.A. 183/97 has been filed by the applicant with the prayer that the impugned order of putting him off duty be quashed and set aside. That order was passed on 17.3.94. That OA has come up for admission hearing today. The applicant has also filed two MAs bearing No.446/97 for passing an interim order and No.447/97 for amendment of the original application on the ground that after the OA was filed, the respondents had issued a chargememo against him which is dated 13.3.1997.

2. We have heard the submissions of the learned counsel of both the parties and perused the records. We take up MA 447/97 first, which is for amendment of the original application. Since the chargememo which was issued on 13.3.97 i.e., after the filing of the original application, was not challenged by the applicant in the OA, MA is allowed and the applicant is given liberty to file the amended petition challenging the chargememo dated 13.3.97. After the amended petition has been filed the respondents are directed to file reply and the matter will appear on 26.2.98 for admission hearing.




Contd...2/-

3. As regards MA 446/97 regarding the prayer for issue of an interim order we find that the applicant has prayed for an interim order directing the respondents to allow him to join the post of EDBPM at Dinhata, Dist.Coochbehar and also issue of a direction for giving him full salary ~~or~~, in the alternative, he should at least be paid full amount of subsistence allowance until further orders by the Tribunal. We have considered the said petition, but we find that a grave allegation has been made against the applicant about defalcation of money. Unless the applicant is cleared of the said charge, we are of the considered opinion that he cannot be entrusted with any Government money further and accordingly, he cannot be allowed to join. Therefore, his prayer for issue of a direction to join his duty is rejected. As regards his prayer for grant of full salary, it is quite clear that since the applicant has been put off duty, his prayer cannot be allowed. ^{On the} Alternatively ~~on the~~ prayer of giving subsistence allowance, the applicant is directed to a submit a representation to the appropriate respondent authority within a period of one month and thereafter, the respondents shall, within a period of two months from the date of receipt of such representation deal with the same and dispose it by passing a speaking order and the result shall also be conveyed to the applicant within the same period. MAs 446/97 and 447/97 are accordingly disposed of. OA is adjourned to 26.2.98. Further time is allowed to file reply in the OA. The applicant is directed to file an amended composite petition.


(D. Purkayastha)

MEMBER (J)

11.12.1997


(B. C. Sarma)

MEMBER (A)

11.12.1997