

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

O.A. 46 of 1997.

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

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

Sri Bata Krishna Marick,  
S/o- Sri Radhanath Marick,  
Vill & P.O. Mellock Via-Bagnan,  
Dist- Howrah.

...      ...      Applicant.

Vrs.

1. Union of India,  
service through the  
Secretary, Deptt. of Posts,  
Govt. of India, New Delhi.
2. The Chief Post Master General,  
Eastern Region, W.B. Circle,  
Jogayog Bhawan, Cal-12.
3. The Director General of P.Os,  
E. Region, W.B. Circle.
4. The Sr. Supdt. of Post Offices,  
Howrah Divn, Howrah-1.

...      Respondents.

For applicant : Mr. K. Chakraborty, Counsel.

For respondents : Mr. B.K. Chatterjee, Counsel.

Heard on : 15.12.97.

Ordered on : 15.12.97.

O R D E R

B.C. Sarma, AM.

1. This application has been filed with the prayer that a direction be issued on the respondents to rescind/recall or withdraw the order of put off duty passed by the respondents on 7.9.1992 as set out at Annexure 'X' to the application.
2. When admission hearing of the matter was taken up today, Chatterjee Mr. Counsel appearing for the respondents and he opposes the petition. Mr. Chakraborty, 1d. Counsel for the applicant submits that the

applicant, who was an E.D.B.P.M in Mellock Post Office in Howrah division, was placed under put off duty by the impugned Order dated 8th Sept'92 and till today there has been no Charge Memo issued against him. Mr. Chakraborty, therefore, submits that the impugned put off duty order deserves to be quashed on this ground.

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. Mr. Chatterjee, 1d. Counsel appearing for the respondents submits that <sup>received</sup> ~~on the basis of~~ certain complaints ~~against the applicant, he has already been kept under put off duty and preliminary inquiry necessary for the purpose has also been completed. He, therefore, submits that within three months from today, it would be possible for them to issue charge memo against him. We find that very serious allegation has been brought out against the applicant regarding fraudulent encashment of P.O certificates and withdrawals from T.D. and S.B. accounts of certain account holders viz. Smt. Durga Rani Maji and Sri Subal Ch. Dhawn. We are, therefore, of the view that the matter should be brought to the logical conclusion and, at the same time, the respondents cannot keep the put off duty hanging like this on the ground that they could not complete the preliminary inquiry.~~

4. Accordingly, we dispose of the application at the stage of admission hearing itself with the following directions :-

- i) Within three(3) months from today, the respondents shall issue a Charge Memo against the applicant, if it is called for;
- ii) The disciplinary proceeding so instituted on the basis of the said charge memo shall be completed upto the level of passing the order by the disciplinary authority within six(6) months from the date of issue of Charge Memo, if it is necessary, by holding day-to-day inquiry;

iii) The applicant shall co-operate in the proceeding.

If the applicant does not co-operate, the respondents shall have the liberty, as per rules, to hold even ex-parte proceeding and to complete the proceeding so instituted against him.

iv) No order is passed as regards costs.

  
( D. Purkayastha )  
Member (J)

  
B.C. Sarma )  
Member (A)

P/K/C.