

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
CALCUTTA

OA No.478 of 1997

Date of order 10-05-2005

Present : Hon'ble Mr. J.K. Kaushik, Judicial Member
Hon'ble Mr. A.K. Bhatt, Administrative Member

Goutam Banerjee

-Vs-

D/o Posts

For the Applicant : Mr. T. Sarkar, Counsel

For the Respondents : Mr. S.K. Dutta, Counsel

ORDER

MR. J.K. KAUSHIK, JM

The O.A. 478 of 1997 has been preferred by Shri Goutam Banerjee under Section 19 of the Administrative Tribunals Act, 1985 wherein the validity of the termination order at Annexure-C has been assailed and a prayer has been made for setting aside the same.

2. We have heard Ld. Counsel for both the parties in piecemeal i.e. on the last occasion as well as to-day at a considerable length and we have carefully perused the records of this case. The Ld. Counsel for the respondents has been quite fair in producing the case file for which the direction was issued on the last occasion. The brief facts of the case are that the applicant, while working on the post of Extra Departmental Night Guard and thereafter as Extra Departmental Chowkidar till 17.12.1996 he was not assigned any job. The respondents issued memo dated 17.3.1997 whereby the services of the applicant were directed to be terminated w.e.f. 30.4.1997. The services of the applicant were sought to be directed on the ground that the applicant was involved in a theft case in the Treasury of Esplanade Post Office in the night of 9.12.1996. No departmental enquiry was held by the respondents. The applicant was instructed to meet the Public Relation Inspector on 14.12.1996 but he met the official there and certain papers, under threat were got

signed by him. The original application has been filed on multiple grounds mentioned in para 5 and sub-paras.

3. As far as variance in the facts is concerned, as per the applicant, certain papers were got signed by him under threat on 16.12.1996 and 17.12.1996. He lodged a complaint with the Police. We specifically enquired from the Ld. Counsel for the applicant as to what is the fate of the complaint. The Ld. Counsel for the applicant has expressed his inability and submitted that subsequent information is not available with him. He has however shown the receipt from the Police Station. On the other hand, the Ld. Counsel for the respondents has invited our attention that no paper was got singed by him under any threat; rather the applicant voluntarily admitted his guilt and this position is amplified from his subsequent conduct inasmuch as on 19.12.96 he sought permission to deposit the amount involved in theft and his further conduct proves the fact that he had deposited the amount without any protest. In this view of the matter, there is no question of any threat to him. It is submitted that no interference is called for in this case since the guilt was admitted by him in unequivocal terms. Thus the action of the respondents cannot be faulted with on any count. The Ld. Counsel for the applicant has only reiterated the facts as raised in the pleadings. He has however submitted that the applicant's service has been terminated in an unceremonious way.

4. We have considered the rival submissions put forth by the Ld. Counsel for both the parties and we find that subsequent conduct of the applicant clearly proves that the lodging of complaint with the Police Station in respect of signing of paper under duress or threat gets falsified. Because a pin-drop silence is maintained by the applicant on this point in the pleadings. The matter is further fortified vide letter dated 19.12.96 wherein the applicant has admittedly submitted an application to the Superintendent of Post Office for seeking permission to deposit the amount involved in the theft and he had ultimately deposited the same. Thus, keeping this facts and circumstances in view and considering the conduct of the applicant preceding to the



incident as well as subsequent to the incident, we find that there is force in the defence version of the respondents and there is no ground to interfere with the action of the respondents. In the result, the original application is found to be devoid of any merit or substance. Hence, the same fails and stands dismissed. No costs.



(A.K. Bhatt)
Administrative Member



(J.K. Kaushik)
Judicial Member