



Medinipur, Pin-721101 and working to the post

of Sub-Postmaster, Amlagora Sub Post Office,

Paschim, Medinipur, Pin-721121.

15/5

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CALCUTTA BENCH, CALCUTTA

UNION OF INDIA, service through the
O. A. No. 350/00 665 of 2017

Secretary, Government of India, Ministry

IN THE MATTER OF:

of Communication & Information
AMIRUDDIN MALLICK, aged about 58 years,
Technology, Department of Posts, 20,
son of Late Abdul Majid Mallick, residing at
Sanchar Bhawan, Ashoka Road, New
Village- Habibpur, Mithu-Masjid Chawk, Post
Delhi- 110001

Office- Midnapore, District- Paschim

Medinipur, Pin-721101 and working to the post
of **THE CHIEF POST MASTER GENERAL**,
of Sub-Postmaster, Amlagora Sub Post Office,
West Bengal Circle, South Bengal
Paschim Medinipur, Pin-721121.

Region, Yogayog Bhawan, C.R. Avenue,

Kolkata- 700012.

...Applicant

-Versus-

1. **UNION OF INDIA**, service through the
Secretary, Government of India, Ministry
of Communication & Information
Technology, Department of Posts, 20,
Sanchar Bhawan, Ashoka Road, New
Delhi- 110001.

2. **THE CHIEF POST MASTER GENERAL**,
West Bengal Circle, South Bengal
Region, Yogayog Bhawan, C.R. Avenue,
Kolkata- 700012.

3. **THE DIRECTOR OF POSTAL
SERVICES**, West Bengal Circle, South

Amiruddin Mallick

id

4. **SHRI A. A. PRASAD**

Superintendent of Post

Officer

Midnapore (Ornoloh), Midnapore

District - Paschim Midnapore

5. **THE SENIOR POSTMASTER**

H.O. Midnapore-721101

Paschim Midnapore

Bengal Region, Yogayog Bhawan, C.R.

6. **THE INSPECTOR OF POSTS**

Avenue, Kolkata-700012

Sub-Division, Garbeta-721127

4. **SHRI A. A. PRASAD**, the Senior

Superintendent of Post Offices,

Midnapore Division, Midnapore-721101,

District - Paschim Midnapore,

5. **THE SENIOR POSTMASTER, Midnapore**

H.O. Midnapore-721101, District-

Paschim Midnapore.

6. **THE INSPECTOR OF POSTS, Garbeta**

Sub-Division, Garbeta-721127, District-

Paschim Midnapore.

...Respondents.

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A.O. 350/00655/2017 Date of order: 15.5.2017

O.A.655 OF 2017

Sub-Postmaster, Amlagora Sub Post Office

No. O.A. 350/00655/2017

Date of order: 15.5.2017

Challenging the impugned charge-sheet No. B/A-206 dated 9.2.2017

Present : - Hon'ble Mr. A.K. Patnaik, Judicial Member

Senior Hon'ble Ms. Jaya Das Gupta, Administrative Member

For the Applicant : - Mr. P.C. Das, Counsel, CCS (CCA) Rules, 1965

For the Respondents: His Representative Mr. A.K. Chattopadhyay, Counsel

Supply of documents relied upon in the charge-sheet as well as appeal

A.K. Patnaik, Judicial Member: Heard Mr. P.C. Das, Counsel appearing for the applicant and Mr.

A.K. Chattopadhyay, Ld. Counsel appearing for the respondents.

1. To quash and/or set aside the impugned charge-sheet No. B/A-206 dated 9.2.2017 issued by the Senior Superintendent of Post Offices, Midnapur Division, Midnapur against the applicant as well as the Senior Superintendent of Post Offices, Midnapur Division, Midnapur against each therefore, under Rule 18 of the CCS (CCA) Rules, 1965 the higher authority who is above the Senior Superintendent of Post Offices, Midnapur Division, Midnapur can issue charge-sheet but in this case that has not been done and only this ground the entire charge-sheet may be quashed and/or set aside.

2. This O.A. has been filed by Mr. Amiruddin S. Mallick, working as Sub-Postmaster, Amlagora Sub Post Office, Paschim Medinipur

challenging the impugned charge-sheet No. B/A-206 dated 9.2.2017 issued by the Senior Superintendent of Post Offices, Midnapur Division, Midnapur against the applicant as well as the Senior Superintendent of Post Offices, Midnapur Division, Midnapur against each therefore, under Rule 18 of the CCS (CCA) Rules, 1965 the higher authority who is above the Senior Superintendent of Post Offices, Midnapur Division, Midnapur can issue charge-sheet but in this case that has not been done and only this ground the entire charge-sheet may be quashed and/or set aside.

by the Senior Superintendent of Post Offices, Midnapur Division, Midnapur against the applicant as well as the Senior Superintendent of Post Offices, Midnapur Division, Midnapur against each therefore, under Rule 18 of the CCS (CCA) Rules, 1965 the higher authority who is above the Senior Superintendent of Post Offices, Midnapur Division, Midnapur can issue charge-sheet but in this case that has not been done and only this ground the entire charge-sheet may be quashed and/or set aside.

against him by violating Rule 18 of the CCS (CCA) Rules, 1965, non-consideration of his representation dated 1.3.2017 with regard to the supply of documents relied upon in the charge-sheet as well as appeal dated 2.3.2017 and the set aside the impugned charge-sheet. This O.A.

has been filed praying for the following reliefs:

"a) To quash and/or set aside the impugned Charge-Sheet No. B/A-206 dated 09.02.2017 issued by the Senior Superintendent of Post Offices, Midnapur Division, Midnapur against the applicant on the ground of violation of Rule 18 of the CCS (CCA) Rules, 1965 since it is a complaint by the applicant as well as the Senior Superintendent of Post Offices, Midnapur Division, Midnapur against each therefore, under Rule 18 of the CCS (CCA) Rules, 1965 the higher authority who is above the Senior Superintendent of Post Offices, Midnapur Division, Midnapur can issue charge-sheet but in this case that has not been done and only this ground the entire charge-sheet may be quashed and/or set aside.

b) To pass an appropriate order directing upon the respondent authority to consider the complaint made by the applicant as well as the representation dated 1.3.2017 and the appeal dated 2.3.2017 preferred by the applicant before the appropriate authority against the impugned charge-sheet."

3. The facts in a nut shell as per Mr. Das, Ld. Counsel for the applicant are

complaint-cum-statement against the Sr. Superintendent of Post Office, Midnapur.

Midnapur Division along with true copy of his statement
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that day itself the Senior Superintendent of Post Office, Midnapur,
that the applicant while discharging the duties and functions of the post of
Sub-Postmaster, Amlagora S.O. was abused using certain derogatory
statement over telephone from the Senior Superintendent of Post Offices,
Midnapur Division, Midnapur. Thereafter on 24.8.2016 the Senior
Superintendent of Post Office, Midnapur Division made a complaint against
him which was duly communicated by the Sub-Divisional Inspector of Post
Offices, Garhbeta Sub-Division to him. On the same day itself he made a
complaint-cum-statement against the Sr. Superintendent of Post Office,
Midnapur Division along with true copy of his statement. Subsequently on
that day itself the Senior Superintendent of Post Office, Midnapur Division
issued an order of suspension against him. Thereafter the Sr.
Superintendent of Post Offices, Midnapur Division, Midnapur issued a
charge-sheet against him by violating Rule 18 of the CCS (CCA) Rules,
1965. On 1.3.2017 he made a representation before the Sr. Superintendent
of Post Offices, Midnapur Division, Midnapur to supply him copies of
documents which have been relied upon in the charge-sheet dated
9.2.2017. The applicant preferred an appeal to the appellate authority i.e.
the Director of Postal Services, West Bengal Circle, South Bengal Region,
Yogayog Bhawan, Kolkata to withdraw and/or rescind the impugned
charge-sheet on the ground that it has been issued in violation of Rule 18 of
the CCS (CCA) Rules, 1965, which is still pending consideration.

4. Mr. Das, Ld. Counsel for the applicant submitted that the grievance
of the applicant would be more or less addressed if a specific order is
passed by directing the concerned authority i.e. respondent No. 3 to
dispose of the appeal dated 1.3.2017 within a specific time frame and in the
meantime the applicant should not be subject to any harassment.

5. Though no notice has been issued still then we think it appropriate

all

genuine, then the applicant's grievance may direct the disciplinary authority not to proceed with the disciplinary proceeding till the said appeal is disposed of by the appellate authority. **5**

O.A.655 OF 2017

6. We make it clear that we have not gone into the merits of the matter and all points are kept open for the respondents to consider the same as per the rules and regulations in force. The respondents do not accept the same. No. 3, that if any such appeal have been preferred on 1.3.2017 and the same is still pending consideration, then it may be considered and disposed of by way of a well-reasoned order within a period of three months from the date of receipt of a copy of this order under communication to the applicant necessary cost in the Registry within this week. and if after such consideration, the applicant's grievance is found to be genuine, then the appellate authority may direct the disciplinary authority not to proceed with the disciplinary proceeding till the said appeal is disposed of by the appellate authority.

6. We make it clear that we have not gone into the merits of the matter and all points are kept open for the respondents to consider the same as per the rules and regulations in force.

7. A copy of this order along with paper book be transmitted to the respondent No. 3 by speed post for which Mr. Das undertakes to deposit necessary cost in the Registry within this week.

8. With the aforesaid observation and direction, the O.A. is disposed of.

(Jaya Das Gupta)
Administrative Member

(A.K. Patnaik)
Judicial Member

SP