



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CALCUTTA BENCH, CALCUTTA

UNION OF INDIA
O. A. No. 350/00 665 of 2017
Secretary, Government of India

IN THE MATTER OF:

of Communication
AMIRUDDIN MALLICK, aged about 58 years,
Technology, Department of Posts, 20,
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 Sub-Postmaster, Amlagora Sub Post Office,
West Bengal Circle
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 Mallik

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4. **SHRI A. PRASAD,**

Superintendent of Post Offices,

Midnapore Division, Midnapore-721101,

District - Paschim Midnapore.

5. **THE SENIOR POSTMASTER,**

H.O. Midnapore-721101, District-

Paschim Midnapore.

Bengal Region, Yogayog Bhawan, C.R.

6. **THE INSPECTOR OF POSTS,**

Avenue, Kolkata-700012,

Sub-Division, Garhbeta-721127, District-

4. **SHRI 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,** Garhbeta

Sub-Division, Garhbeta-721127, District-

Paschim Midnapore.

...Respondents.

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This O.A. has been filed by **3**
Sub-Postmaster, Amlagora Sub Post Office

No. O.A. 350/00655/2017 Date of order: 15.5.2017

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

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

Hon'ble Ms. Jaya Das Gupta, Administrative Member

For the Applicant :- Mr. P.C. Das, Counsel

For the Respondents :- Mr. A.K. Chattopadhyay, Counsel

Supply of documents relied upon **ORDER (Oral)** charge-sheet No. B/A-206

A.K. Patnaik, Judicial Member:

Heard Mr. P.C. Das, Ld. Counsel appearing for the applicant and Mr.

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

2. This O.A. has been filed by **Aminuddin Sr. 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 him by violating Rule 18 of the CCS (CCA) Rules, 1965, non-consideration of his representation dated 1.3.2017 with regard to 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

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that day itself the Senior Superintendent of Post Office, Midnapur issued an order of suspension 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

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genuine, then the disciplinary authority may direct the disciplinary authority

not to proceed with the disciplinary proceedings.

disposed of by the appellate authority.

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5. We make it clear that we have not gone into the merits of the matter to dispose of this O.A. without waiting for reply by directing the respondent 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 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

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