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CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

No. O.A. 350/00063/2017

Date of order : 17.2.2017

Present : Hon'ble Mr. A.K. Patnaik, Judicial Member  
Hon'ble Ms. Jaya Das Gupta, Administrative Member

Suddhasil Dey,  
Son of Dulal Chandra Dey,  
Aged about 44 years,  
Ex. Senior Lecturer-cum-Senior Instructor,  
Institute of Hotel Management Catering Technology &  
Applied Nutrition at present  
Residing at Flat No. A-1, Utsarga Apartment,  
386, Parnasree Pally,  
Kolkata – 700 060.

... Applicant

- VERSUS -

1. Union of India,  
Service through the Secretary,  
Ministry of Tourism,  
Government of India,  
Having office at Transport Bhawan,  
1, Parliament Street,  
New Delhi, Pin .
2. Institute of Hotel Management,  
Catering Technology & Applied Nutrition,  
Service through the Principal,  
Having office at P-16, Taratala Road,  
Kolkata – 700088.
3. Board of Governors,  
Institute of Hotel Management Catering Technology  
& Applied Nutrition,  
Service through the Principal,  
Having office at P-16, Taratala Road,  
Kolkata – 700 088.
4. Secretary,  
Institute of Hotel Management Catering Technology  
& Applied Nutrition,  
Having office at P-16, Taratala Road,  
Kolkata – 700 088.

.. Respondents

*12/2*

For the Applicant : Mr. C. Sinha, Counsel

For the Respondents : Ms. S. Das, Counsel

### O R D E R (Oral)

Per A.K. Patnaik, Judicial Member:

This Original Application has been filed by the applicant under Section 19 of the Administrative Tribunal Act, 1985 challenging the impugned order of suspension No. CT/AD-12(12)/14/2285 dated December 26, 2014 issued by the Principal / Secretary, Institute of Hotel Management Catering Technology & Applied Nutrition, impugned memorandum No. CT/AD-12(129).15/367 dated May 19, 2015 issued by the Secretary, Institute of Hotel Management Catering Technology & Applied Nutrition (Calcutta) Society, impugned report of enquiry held on 19.3.2015 conducted by internal complaint committee of sexual harassment of women in work place (Prevention, Prohibition & Redressal Act, 2013) served under Memorandum dated 19.5.2015, impugned Order No. CT/AD-12(129)/16/212 dated May 06, 2016 issued by the Secretary, Institute of Hotel Management Catering Technology & Applied Nutrition and non-consideration and non-disposal of Appeal dated 20.6.2016, to the Appellate Authority submitted by the applicant seeking the following reliefs:-

"a) To set aside and quash Impugned Order of Suspension No. CT/AD-12(12)/14/2285 dated December 26, 2014 issued by the Principal/Secretary, Institute of Hotel Management Catering Technology & Applied Nutrition.

b) To set aside and quash impugned Memorandum No. CT/AD-12(129).15/367 dated May 19, 2015 issued by the Secretary, Institute of Hotel Management Catering Technology & Applied Nutrition (Calcutta) Society.

c) To set aside and quash impugned report of Enquiry held on 19.3.2015 conducted by internal complaint committee of sexual

harassment of women in work place (Prevention, Prohibition & Redressal Act, 2013) served under Memorandum dated 19.5.2015.

d) To set aside and quash Impugned Order No. CT/AD-12(129)/16/212 dated May 06, 2016 issued by the Secretary, Institute of Hotel Management Catering Technology & Applied Nutrition.

e) To direct the respondents to consider and dispose of the appeal dated 26.6.2016 before the appellate authority submitted by the applicant within a period of one month.

f) Any other order or orders as the Hon'ble Tribunal deems fit and proper."

2. The applicant while working as Senior Lecturer-cum-Senior Instructor was placed under suspension vide office order dated 26.12.2014 on the alleged grounds relating to sexual harassment of students of the Institute of Hotel Management and thereafter he was directed to appear before the Internal Complaint Committee which submitted its enquiry report on 19.5.2015. Against the said suspension order the applicant preferred a representation dated 29.5.2015 but subsequently he was dismissed from service vide Order dated 6.5.2016 against which he preferred a statutory appeal dated 20.6.2016 and till date he has not received any response.

4. Therefore, without waiting for the reply we think it appropriate to dispose of this O.A. by directing the respondent No. 3 that if any such statutory appeal has been preferred on 20.6.2016 and still pending consideration then the same may be considered and disposed of by way of a well reasoned order within a period of two months and if after such consideration the applicant's grievance is found to be genuine then expeditious steps may be taken within a further period of two months from the date of such consideration to extend those benefits to the applicant.


5. A copy of this order along with paper book be transmitted to the respondent No. 3 by speed post for which Mr. C. Sinha undertakes to




deposit necessary cost within a period of 7 days.

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

No costs.

  
(Jaya Das Gupta)  
Administrative Member

  
(A.K. Patnaik)  
Judicial Member

SP