

## IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CALCUTTA BENCH, CALCUTTA

O. A. No. 350/00896

of 2017

IN THE MATTER OF:

PANKAJ KUMAR BERA, aged about 58 years, son of Late Pulin Behari Bera, residing at Village- Thakurchak, Post Office- Balichak, District- Paschim Medinipur, Pin-721124 and working to the post of Sub-Postmaster, Gopiballavpur Sub Post Office, Paschim Medinipur, Pin-721121.

...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

WL

Pankaj K. Bera

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Bengal Region, Yogayog Bhawan, C.R.

Avenue, Kolkata- 700012,

4. THE SENIOR SUPERINTENDENT OF

POST OFFICES, Midnapore Division,

Midnapore-721101, District - Paschim

Midnapore,

... Respondents.

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No. O.A. 350/00896/2017

Date of order: 30.6.2017

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

For the Applicant : Mr. P.C. Das, Counsel  
Ms. T. Maity, Counsel

For the Respondents : None

O R D E R (Oral)A.K. Patnaik, Judicial Member:

Heard Mr. P.C. Das along with Ms. T. Maity, Ld. Counsel for the applicant.

2. This OA has been filed by Pankaj Kumar Bera, working in the post of Sub-Postmaster, Gopiballavpur Sub Post Office, Paschim Medinipur challenging the impugned memo No. DCDRF CC No. 159/2012 dated 13.6.2014 issued by the Sr. Superintendent of Post Offices, Midnapore Division along with Statement of Imputation of Misconduct against him, impugned office letter dated 22.8.2014 by which the Sr. Superintendent of Post Offices, Midnapore Division intimated him that no more document will be supplied to him and he will not be allowed to inspect any document and also non-consideration of his representation dated 11.8.2014 along with defence statement dated 12.8.2014, 10.9.2014 and 2.5.2017. This O.A. has been filed praying for the following reliefs:

- "a) To quash and/or set aside the impugned Memo. No. DCDRF CC No. 159/2012 dated 13.06.2014 issued by the Senior Superintendent of Post Offices, Midnpore Division along with Statement of Imputation of Misconduct against the applicant on the ground of negligency of duty by not holding guilty to any of the employees of Tamluk Head Post Office where your applicant has duly forwarded the said cheque in appropriate time after entering the particulars of the cheque in the Register Book for encashment being Annexure A-1 of this original application.
- b) To declare that the entire proceeding is otherwise bad in law and illegal by not supply with the relied upon documents as well as not allow your applicant to inspect the documents which has been relied upon the Statement of Imputation of Misconduct by the Senior Superintendent of Post Offices, Midnapore Division where your applicant has asked for sixteen documents but some of the



documents has been supplied but most of the documents has not been supplied which clearly violates the law laid down by the Hon'ble Supreme Court in the case of Dipak Puri & Ors. (supra)

- c) To quash and/or set aside the impugned office letter dated 22.08.2014 by which the Senior Superintendent of Post Offices, Midnapore Division intimated the applicant that no more document will be supplied to the applicant and the applicant will not be allowed to inspect any document being Annexure A-7 of this original application.
- d) To pass an appropriate order directing upon the respondents to dispose of his Statement of Defence which he has made before the Appellate Authority on 12.08.2014 and 22.05.2017 against the minor penalty memorandum dated 13.06.2014 along with Statement of Imputation of Misconduct because they are going to pass a final order which is otherwise bad in law and illegal.
- e) To pass an appropriate order directing upon the respondents not to pass any final order until and unless the relied upon the document are supplied to the present applicants and the Statement of Defence which he has made vide his representations dated 12.08.2014 and 02.05.2017 is considered.
- f) To quash and/or set aside the entire proceedings including impugned Memo. No. DCDRF CC No. 159/2012 dated 13.06.2014 issued by the Senior Superintendent of Post Offices, Midnapore Division along with Statement of Imputation of Misconduct against the applicant.."

3. The facts in a nut shell as per Mr. Das, Ld. Counsel for the applicant are that the applicant while working as P.A. in the Midnapore Head Post Office was issued with Memorandum No. DCDRF CC No. 159/2012 dated 13.6.2014 along with Statement of Imputation of Misconduct by the Sr. Superintendent of Post Offices, Midnapore Division on the ground that one Account Payee Cheque bearing No. 003912 dated 31.7.2007 for Rs. 75,000/- drawn on Bank of India, Haldia Port Branch in favour of Smt. Swapna Singh was received at Midnapore Court Post Office on 16.8.2007 for crediting to her Saving Bank Account No. 2272218 standing at Midnapore Court Post Office. Accordingly, the said cheque was sent by Midnapore Court Post Office to him while working as SB RC of Midnapore Head Post Office. He received the said cheque and entered the particulars of the cheque at the Register at Srl. No. 1702 dated 1.9.2007 and sent the cheque to Tamluk Head Post Office for encashment. The said cheque was



sent through Midnapore Head Office Post Office by Registered Letter No. A 3411 dated 30.8.2007 to Tamluk Head Office. According to the applicant his duty was to receive the cheque and make necessary entry of the particulars of the cheque in the Registry and send it to the appropriate department for encashment of the same. Thereafter a minor penalty proceeding under Rule 16 of the CCS (CCA) Rules, 1965 was initiated against him vide memorandum dated 13.6.2014 by the Sr. Superintendent of Post Office, Midnapore Division for negligence of duty on his party for encashing the said cheque. After he received the impugned memorandum dated 13.6.2014 he preferred a representation dated 276.2014 before the Sr. Superintendent of Post Offices, Midnapore Division for supply of relied upon documents in the impugned memorandum as well as Statement of Imputation of Misconduct but he was not supplied with the documents. Thereafter he preferred another representation dated 11.8.2014 to the same authority but the said authority did not allow him to inspect the documents. Subsequently he preferred an appeal before the appellate authority to drop the charge sheet but he was not allowed to inspect the documents. Being aggrieved by the inaction on the part of the respondents he has filed this O.A.

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. 4 to dispose of the representation dated 10.09.2014 within a specific time frame.

5. Though no notice has been issued still then I think it appropriate to dispose of this O.A. without waiting for reply by directing the respondent No. 4, that if any such representation have been preferred on 10.09.2014 and



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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 two months from the date of receipt of a copy of this order under communication to the applicant and if after such consideration, the applicants' grievance is found to be genuine, then expeditious steps may be taken within a further period of three months from granting the benefits to the applicant. However, if in the meantime, the representation stated to have been preferred on 10.09.2014 have already been disposed of then the result be communicated to the applicant within a period of two weeks from the date of receipt of a copy of this order.

6. I make it clear that I 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. I hope and trust that no further proceedings will be initiated against the applicant as per the Office Order No. DCDRF CC No. 159/2012 dated 13.6.2014.

7. A copy of this order along with paper book be transmitted to the respondent No. 4 by speed post for which Mr. Das undertakes to deposit necessary cost in the Registry by the next week.

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

(A.K. Patnaik)  
Judicial Member