



**CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH**

Original Application No.350/01333/2017

Date of Order: This, the 15th Day of September, 2017.

THE HON'BLE SMT. MANJULA DAS, JUDICIAL MEMBER

THE HON'BLE DR.(MS.) NANDITA CHATTERJEE, ADMINISTRATIVE MEMBER

Subrat Kumar Saha
Son of late Nitai Ballav Saha
Aged about 58 years
Working as Ex-PA, Malda Division
Residing at Flat No.2B, 2nd Floor
Krishna Vihar, FB-14, Ghosh Para
Post Office- Desbandhu Nagar
Baguiati, Kolkata-700 059.

.. Applicant

- Versus -

- (i) Union of India
Through Secretary
Department of Post
Ministry of Communication
New Delhi-1.
- (ii) Chief Post Master General
West Bengal Circle
Yogayog Bhawan
C R Avenue
Kolkata-700 012.
- (iii) Post Master General
Sikkim State
Gangtok-737103.
- (iv) Director of Postal Services
Sikkim State
Gangtok-737103.
- (v) Superintendent of Post Offices
Malda Division, Malda
English Bazar
Malda 732101.

... Respondents.

For the applicant: Mr.A.Chakrabroty & Ms.P.Mondal

For the respondents: Mr.B.P.Manna

ORDER (ORAL)

MANJULA DAS, MEMBER (J):

In this OA, filed under Section 19 of the Administrative Tribunals Act, 1985, applicant is seeking following relief(s):-

"a) That a charge sheet bearing memo no.B/S K Saha/III/Pt-2 dated at Malda 732 101 the 21.04.2003 cannot be sustained in the eye of law and therefore the same may be quashed.

b) Memo no.DPS/SKM/B-3/S.K. Saha issued by Director of Postal Service Sikkim imposing punishment of removal from service in respect of the applicant cannot be sustained in the eye of law and the same by be quashed.

c) An order do issue directing the respondents to reinstate the applicant in service with all consequential benefits.

d) An order do issue directing the appellate authority Post Master General, Sikkim State, Gangtok dispose of appeal filed by the applicant an early date."

2. The applicant was served with a major penalty charge sheet vide memorandum no. no.B/S K Saha/III/Pt-2 dated at Malda 732 101 the 21/23.04.2003 with 10 articles of charges. Being aggrieved, applicant preferred OA.582/2003 before this Tribunal



by challenging the charge sheet and prayed for quashing of the same. This Tribunal however, declined to grant the interim order of stay of the departmental proceedings. Being aggrieved, the applicant preferred WPCT no.130/2005 before the Hon'ble High Court. Said WPCT was disposed of with direction to the respondents to proceed with the departmental proceedings as expeditiously as possible and complete the same within a period of six months from the date of the order. The applicant again filed OA.575/2007 before this Tribunal praying for a direction that the proceedings may be deemed to be dropped as the disciplinary authority failed to complete the proceeding within the time stipulated by the Hon'ble High Court. During the pendency of this OA, the disciplinary authority had passed the order dated 28.03.2008 imposing the penalty of removal from service which shall not be a bar disqualification for future employment under the Government. Against the said penalty order applicant did not file any appeal. In the said OA it was found that the applicant did not co-operate in the enquiry despite the directions of the Hon'ble High Court. The contention of the applicant in the said OA was even if he did not participate in the enquiry, the respondents could have proceeded *ex parte* against him. The Tribunal rejected the said contention and, vide order dated



03.05.2011, dismissed the OA as the applicant did not exhaust the departmental remedy.

3. Applicant thereafter preferred WPCT No.292/2011 before the Hon'ble High Court which was dismissed for non-prosecution with leave to file statutory appeal vide order dated 12.08.2016. Accordingly, applicant filed an application before the authority seeking extension of time to make the appeal and the authority vide letter dated 23.11.2016 granted two months extension of time from the date of issue of the order. Applicant made the appeal on 15.01.2017 before the appellate authority, i.e., the Post Master General, Sikkim State, Gangtok, which was received by the authority on 20.01.2017.

4. Mr.A.Chakraborty, learned counsel for the applicant, fairly submitted that till date the statutory appeal of the applicant has not been disposed of. We are of the view that ends of justice will be met if the appellate authority is directed to consider and dispose of the appeal within a time frame, to which, Mr.B.P.Manna, learned counsel appearing for the respondents has no objection.

5. Accordingly, we direct the appellate authority – the respondent no.3 to consider and dispose of the appeal dated

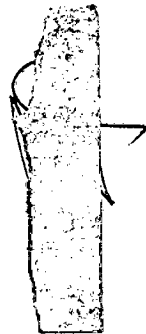


15.01.2017 on merits within a period of two months from the date of the receipt of this order. The decision to be arrived at may be communicated to the applicant within a period of one week thereafter.

6. With the above directions, the OA is disposed of.



(DR.NANDITA CHATTERJEE)
ADMINISTRATIVE MEMBER



(MANJULA DAS)
JUDICAIL MEMBER

/BB/