

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH



No. OA 350/1408/2017

Date of order : 10.4.2018

Present: Hon'ble Ms. Manjula Das, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

ARDHENDU BIKASH PRAMANICK

S/o Gour Hari Pramanick,
Worked as a EDBPM, Bankura SO
(now under put off duty)
R/o Vill & PO - Bankura,
Via - Bagnan, Dist. - Howrah.

...APPLICANT

VERSUS

1. Union of India, through
The Ex Secretary,
Govt. of India,
Ministry of Communication,
Dept. of Post,
Dak Bhawan,
New Delhi - 1.
2. The Chief Postmaster General,
Eastern Zone,
West Bengal Circle,
Yogayog Bhawan,
Kolkata - 700012.
3. The Sr. Superintendent of Post Offices,
Howrah Division, Kadamtala,
Howrah - 1.
4. The Sub Divisional Inspector of Post Offices,
Sub Division - Uluberia,
Uluberia R.S.,
Howrah.

...RESPONDENTS.

For the applicant : Mr.A.Chakraborty, counsel

For the respondents: Mr.S.Paul, counsel

O R D E R (ORAL)

Per Ms. Manjula Das, Judicial Member

By making this OA the applicant has approached this Tribunal under
Section 19 of the Administrative Tribunals Act, 1985 seeking the following
reliefs:

- a) The order of punishment dated 4.6.2001 issued by the Sr. Superintendent of Post Offices, Howrah Division, Howrah-1, cannot be sustained as the entire enquiry proceedings which were hold ex parte stand vitiated.
- b) An order passed by appellate authority dated 27.7.2009 and order passed by the Reviewing Authority dated 23.7.2007 may be quashed since he was acquitted from criminal charges.
- c) An order to issue directing the respondents to re-instate the applicant in service since he was acquitted from the criminal charges.

2. The brief fact of the case as narrated by the Id. Counsel for the applicant is that while working as EDBPM, Bankura BO, he was proceeded against for misappropriation of Government money. The disciplinary authority after going through the enquiry proceeding, passed an order of punishment on 4.6.2001. The applicant moved this Tribunal in OA 842/2001 which was disposed of on 13.8.2001, with a direction upon the Appellate Authority to dispose of the appeal. On 27.7.2009 the appellate authority passed an order. Thereafter the applicant filed the review application before the Post Master General, South Bengal Region which was also dismissed. The applicant also submitted that the criminal case being Special Case No. 4 of 24 was initiated against him and the same was disposed of with his acquittal vide order dated 26.8.2013. The applicant further submitted that since he was acquitted from the criminal charges on merit, charge sheet issued on the self offence cannot stand in the eye of law. The applicant has made representations before the respondent authorities on 6.9.2013 and 3.8.2017 requesting to re-instate him in service. The applicant was informed by the respondent authorities vide office order dated 9.1.2013 that his representation was forwarded to the PMG for taking necessary action.

3. Accordingly Mr.Chakraborty fairly submits that let the department be directed to consider and dispose of the representations preferred by the applicant dated 26.9.2013, 1.10.2013 and 3.8.2017 (Annexure A/6 collectively), within a specific time frame.

4. Having heard the Id. Counsel for both parties and perusing the pleadings and materials placed before us, we direct the respondent authorities more particularly the respondent No.2 to consider and dispose of the representation

made by the applicant dated 26.9.2013, 1.10.2013 and 3.8.2017 (Annexure A/6 collectively) and pass a reasoned and speaking order within a period of three months from the date of receipt of the copy of this order. The decision so arrived shall be communicated to the applicant forthwith.

5. With the above direction and observation the OA stands disposed of. No order as to costs.

(DR. NANDITA CHATTERJEE)
ADMINISTRATIVE MEMBER

(MANJULA DAS)
JUDICIAL MEMBER

In

