

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH



No. O.A. 350/01577/2017

Date of order: 29.11.2017

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

Shri Om Prakash Kushwaha,
Aged about 37 years,
Son of Shri S.M. Kushwa and
Residing at Nayagaon,
Port Blair - 744106, District South Andaman.

.. Applicant

- V E R S U S -

1. Union of India,
Service through the Secretary,
Government of India,
Ministry of Home Affairs,
Department of Police,
North Block,
Central Secretariat,
New Delhi - 110 001.

2. The Director General of Police,
Andaman & Nicobar Police,
Police Headquarters,
Port Blair - 744 101.

3. The Commandant,
IRBn,
Andaman & Nicobar Islands,
Port Mount - 744 103,
South Andaman.

4. The Assistant Commandant,
IRBn,
Andaman & Nicobar Islands,
Port Mount - 744 103,
South Andaman.

.. Respondents

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

For the Respondents : Mr. S.K. Ghosh, Counsel

ORDER (Oral)

Per Nandita Chatterjee, Administrative Member:

Ld. Counsel for the applicant is present and is heard in detail. Ld. Counsel for the respondents is present and heard.

2. Ld. Counsel for the applicant submits that given the nature of the charges at Annexure "A-2" to the O.A., the punishment of dismissal which was meted out to the applicant was highly disproportionate and requires judicial intervention

3. Ld. Counsel for the respondents, on the other hand, submits a background note of the applicant's past official records wherefrom it is found that 2006 onwards applicant has been meted out various degrees of penalty in connection with 12 incidents of misconduct.

4. Our attention is drawn to the order of the appellate authority annexed at Annexure A-6 to the O.A. who has disposed of the appeal summarily without adducing any reasons or without passing a speaking order. Ld. Counsel for applicant further submits that on 20.11.2016 (Annexure A-11 to the O.A) the applicant has once again approached respondent No. 2 for reconsideration of the penalty and to allow him to resume his duties.

5. We dispose of the matter at the admission stage by directing the respondent No. 2, who is also the appellate authority in this regard, to pass a reasoned and speaking order based on the representation of the applicant at "Annexure A-11 to the O.A.) within 4 weeks from the date of receipt of a copy of this order. The decision arrived at should be communicated to the applicant within a period of 1 week thereafter.

6. We make it clear that we have not gone into the merits of the case and all issues are kept open for consideration as per Rules by the

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concerned respondent authorities.

7. With this observation, the O.A. is disposed of. The parties will bear their own costs.

(Dr. Nandita Chatterjee)
Administrative Member

IV
(Manjula Das)
Judicial Member

SP

