



**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**

No. O.A. 350/00124/2018
M.A. 350/00603/2018

Date of order: 20.9.2018

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

1. **Dr. Gaurav Chandra Dutt,IPS,
Son of Late G. C. Dutt,
By occupation service as Inspector
General of Police,
West Bengal (on Compulsory Waiting),
Police Directorate,
West Begal, "NABANNA",
325 Sarat Chatterjee Road,
Mandirtala, Shibpur,
Howrah – 711102,
Having residence at FD-424,
Salt Lake City, Sector III
Calcutta – 700091.**

... Applicant.

Versus

1. **The Union of India
Service through the Secretary,
Ministry of Home Affairs,
Government of India,
North Block,
New Delhi – 110 001.**
2. **The Additional Chief Secretary,
Home Department & Principal Secretary
(Home) Government of West Bengal
"NABANNA", 325 Sarat Chatterjee Road,
Mandirtala, Shibpur,
Howrah – 711112.**
3. **The Director General &
Inspector General of Police,
West Bengal "NABANNA"
325 Sarat Chatterjee Road,
Mandirtala, Shibpur,
Howrah - 711112.**
4. **Shri Manojit Mandal,
Commissioner for Departmental Inquiries,
State Vigilance Commission,
West Bengal, "BIKASH BHAWAN"
(1st, 2nd & 3rd Floor), DF Block,
Salt Lake City, Sector I,
Calcutta – 700091.**

A handwritten signature in black ink, appearing to read "J. M. Mandal".

... Respondents.

For the Applicants : Mr. S. Samanta, Counsel

For the Respondents : Mr. M.N. Roy, Counsel

O R D E R (Oral)

Per Ms. Manjula Das, Judicial Member:

Heard Ld. Counsel for the applicant and respondents.

2. This Original Application has been filed under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:-

"a) Direction do issue quashing and setting aside the impugned orders dated 30.10.2012 of the Disciplinary Authority appointing the IA, being Annexure "A-3" hereto, and thereupon directing the said authority to pass a reasoned and speaking order on the comprehensive written statement of defence dated 21.5.2013 filed by the applicant CO, being Annexure "A-9" hereto within such time frame as may commence to this Learned Tribunal as well as directing supply of the additional documents as prayed for by the applicant, and pending disposal of such consideration/supply of documents to stay all further proceedings in the departmental proceeding initiated under charge memorandum dated 21.5.2012;

b) Injunction do issue upon the respondent authorities restraining them from acting in any manner or any further manner on the basis of the charge memorandum dated 21.05.2012 being Annexure "A-1" hereto;

c) Direction in the nature of certiorari do issue upon the respondent authorities directing them to produce and/or cause to be produced the entire records of the case and thereupon to pass necessary orders for rendering conscientiable justice;

d) Costs and costs incidental hereto;

e) And/or to pass such other or further order or orders as to your Lordship may seem fit and proper."

3. In this Original Application, the applicant has sought for the following interim relief:-

"a) Direction do issue upon the Disciplinary Authority to pass a reasoned and speaking order on the comprehensive written statement of defence dated 21.5.2013 filed by the applicant CO, being Annexure 'A-9' hereto within such time frame as may commence to this Learned Tribunal as well as directing supply of the additional documents as prayed for by the applicant, and pending disposal of such consideration/supply of documents to stay all further proceedings in the departmental proceeding initiated under charge memorandum dated 21.5.2012;

b) Injunction do issue upon the respondent authorities restraining them from acting in any manner or any further manner on the basis of the charge memorandum dated 21.5.2012 being Annexure 'A-1' hereto;



c) Any other relief(s) as may commence to this Learned Tribunal."

3. Vide order dated 26.3.2018, this Tribunal stayed the Disciplinary Proceedings initiated by the respondent authorities during the pendency of disposal of the representation.

4. The Ld. Counsel further submits that the applicant is going to retire in the Month of December, 2018 and hence, the disciplinary authority may be directed to complete the disciplinary proceedings before his retirement. Accordingly, prayed for a direction upon the Disciplinary authority to complete the disciplinary proceedings.

5. By accepting the prayer made by Ld. Counsel, Mr. Samanta, we direct the disciplinary authority to complete the disciplinary proceedings within a period of six weeks from the date of receipt of a copy of this order.

6. Consequently the interim order dated 26.3.2018 stands vacated.

7. Accordingly, the O.A. and M.A. are disposed of. No costs.

(Dr. Nandita Chatterjee)
Administrative Member

(Manjula Das)
Judicial Member

SP