



CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. OA 350/00134/2017

Date of order: 16.2.2017

Present: Hon'ble Mr. A.K. Patnaik, Judicial Member
Hon'ble Ms. Jaya Das Gupta, Administrative Member

BANDANA SENGUPTA

W/o Sri Arabinda Sengupta,
Sonarpur South,
Noapara Third Lane,
P.O.- Sonarpur,
Dist. - 24 Parganas (South)
Calcutta,
Pin - 700150.

..APPLICANT

VERSUS

1. Union of India, through
The Secretary,
Ministry of Health &
Family Welfare,
Nirman Bhawan,
New Delhi - 110011.
2. The Director General of
Health Services,
Ministry of Health &
Family Welfare,
Nirman Bhawan,
New Delhi - 110011.
3. The Director,
All India Institute of Hygiene
& Public Health,
Govt. of India,
110 Chittaranjan Avenue,
Kolkata - 700073.
4. The Officer-in-Charge,
AIHIG & PH,
Urban Health Centre,
19B Chetla Hat Road,
Kolkata - 700027

...RESPONDENTS.

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

For the Respondents : None

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ORDER (Oral)Ms. Jaya Das Gupta, A.M.

Heard Mr. P.C. Das, Id. Counsel for the applicant. Affidavit of service on the respondents has not been made. JW

2. This O.A. has been filed under Section 19 of the Administrative Tribunal Act, 1985 challenging the memorandum dated 20.7.2009 bearing No. AD/DJB/Vig/2009 issued by Dr. S.K. Pradhan, Director of All India Institute of Hygiene & Public Health together with statement of imputation of misconduct against Smt. Bandana Sengupta, the Order dated 27.8.2009 bearing No. AD/DJB/VIG/2009 issued by Dr. S.K. Pradhan, Director, All India Institute of Hygiene & Public Health whereby imposing penalty on Smt. Bandana Sengupta, Health Worker (Female) of UHC, Chetla by withholding her annual increment for three years i.e. of 1st July, 2010, 2011 and 2012 respectively, the impugned order of the Appellate Authority dated 24.1.2011 issued by the Director General of Health Services, Ministry of Health & Family Welfare, Government of India, New Delhi being Annexure A-9 of this O.A. and non-consideration of the revisional application preferred by the applicant by the Revisional authority dated 23.1.2012 and also subsequent reminders dated 2.2.2013 and 9.3.2016 by the Revisional Authority against the order of the Appellate Authority dated 24.1.2011 despite it is pending for a long time till now the Revisional Authority did not take any decision in respect of the revision petition.

3. It is the case of the applicant that she joined the post of Health Worker at Sub-Centre, Ananda Nagar under Rural Health Centre, Siliguri on 1.4.1996. Then on 1.8.1997 she was transferred to Urban Health Centre at Chetla. During the year 2004-2005 she completed her course of Public Health Nursing. On 15.9.2008 he was insulted by the Officer-in-Charge (Acting), Chetla and an office memorandum dated 16.9.2008 was issued by the said officer asking her to show-cause for such action of her. Immediately on 23.9.2008 the applicant submitted a reply to the said memorandum. Enquiry was duly completed by the Vigilance Officer without issuing her a notice and subsequently a

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memorandum was issued by the Director, AIH & PH. The applicant replied to the said memorandum and finally on 20.7.2009 a memorandum along with article of charge was issued by the Director, AIH&PH. The applicant approached the Tribunal by filing O.A. No. 1634 of 2009 which was disposed of on 12.1.2010. On 9.3.2010 the applicant preferred a statutory appeal to the respondents and finally the impugned order dated 24.1.2011 was passed by the Appellate Authority. Thereafter the applicant filed a Contempt Application before the Tribunal on 7.2.2011 the Tribunal disposed of the Contempt Application. Thereafter the applicant filed revisional application before the respondent authority along with reminders which is still pending consideration.

4. It is apparent from the above submission of the applicant that the revisional application made before the respondent authorities is still pending. Hence it is directed that the revisional authority shall consider the revisional application pending before the respondents within three months of getting a copy of this order and convey the same to the applicant within one week thereafter.

5. Accordingly the applicant is directed to serve a copy of this order on the revisional authority along with a copy of this OA as expeditiously as possible and the revisional authority will take action as per our above direction.

6. It is made clear that we have not entered into the merits of the case and all points are left open for the respondent authorities.

7. The OA is accordingly disposed of. No costs.

(JAYA DAS GUPTA)
MEMBER (A)

(A.K.PATNAIK)
MEMBER (J)

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