

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. O.A. 155 OF 2017

Date of order: 1.11.2017

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

Shri Sudhir Kumar Chanda,
Son of Late S. Chanda,
By Occupation Ex. Office Superintendent,
Under Office of the Director General,
National Test House, Sector - V,
Block - CP, Salt Lake, Kolkata - 700 091.

.. Applicants

Vs.

1. Union of India,
Service through the Secretary
To the Govt. Of India,
Ministry of Consumer Affairs,
Good & Public Distribution,
Department of Consumer Affairs,
Krishi Bhavan,
New Delhi - 110 001.
2. The Director General,
National Test House,
Department of Consumer Affairs,
Krishi Bhavan,
New Delhi - 110 001.
3. The Director,
National Test House (ER),
Sector - V, Block CP,
Salt Lake,
Kolkata - 700 091.

.. Respondents

For the Applicant : Mr. N. Roy, Counsel

For the Respondents : Ms. D. Nag, Counsel

ORDER (Oral)

Per Dr. Nandita Chatterjee, Administrative Member:

This application has been filed under Section 19 of the Administrative

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Tribunal Act, 1985 seeking the following relief:-

- "(a) To issue direction upon the respondent to give pension to the applicant should be restored on 100% w.e.f. 31.10.2005.
- (b) To issue further direction to the respondent to consider appeal dated 7.12.2012 and representation in the year 2013, 2014 and 2015 may be disposed of.
- (c) To issue further direction to the respondent authority to cancel/quash and/or set aside the impugned order dated 31.7.2009 forthwith.
- (d) Any other order or orders as the Ld. Tribunal deem fit and proper.
- (e) To produce connected departmental record at the time of hearing.
- (f) To issue further direction upon the respondent to give all consequential benefit along with interest forthwith."

2. Ld. Counsel for both sides are present and heard.

3. The case of the applicant, as submitted by his Ld. Counsel, is that the applicant had retired from service on 31.10.2005.

4. That the respondent authorities had initiated disciplinary proceeding thereafter against the applicant resulting in a penalty imposing 50% cut in monthly pension on permanent basis. The applicant had thereafter appealed to the respondent authorities for consideration of reduction but to no effect and despite pending representations, no decision has been taken by the respondent authority on the same.

5. Hence, being aggrieved, the instant application has been filed.

6. It is seen from the order on the disciplinary proceeding against the applicant concerned dated 31.7.2009 that, while functioning as Head Clerk (L-II), G&C Section, National Test House, Kolkata - 27 during the period of February, 2002, the applicant had prepared an unauthorised certificate and an irrevocable letter of authority by signing the same unauthorisedly by himself. A fake seal and the sacred Ashok Pillar Seal of Govt. Of India was also used illegally.

7. While concluding the disciplinary proceedings, it was directed as follows:-

"15. NOW, THEREFORE, the President has decided that the ends of

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justice warrant imposition of penalty of cut in the monthly pension of 50% on permanent basis against Sh. Sudhir Kumar Chandra, Head Clerk (L-II) (re-designated as Office Superintendent), (now Retd.), NTH(ER), Kolkata, the CO and ordered as under:

- (i) impose penalty of 50% cut in monthly pension of Shri Sudhir Kumar Chanda on permanent basis w.e.f. 1.8.2009.
- (ii) release withheld amount of the gratuity of Shri Sudhir Kumar Chanda, if not otherwise required."

8. It is perused from the records that the applicant has been making repeated representations on 7.11.2011 (Annexure "A-4"), 7.12.2012 (Annexure "A-5") and 14.12.2013, 2.11.2015 and 14.8.2016 (Annexure "A-6") respectively to the Respondent authorities for reconsideration of the penalty.

9. Hence, as the respondents are yet to reply to the representations of the applicant, the matter is disposed of at the admission stage by directing the respondent No. 1 i.e. the Secretary to the Govt. Of India, Ministry of Consumer Affairs, Food & Public Distribution, Department of Consumer Affairs, to dispose of the applicant's representations (if so received) within a period of 8 weeks in accordance with rules from the date of receipt of this order. The decision of the competent authority may be conveyed to the applicant immediately upon arriving on the same and consequential benefits, if any, be released within 8 weeks thereafter.

10. With these observations and directions, the O.A. is disposed of.

11. There will be no orders as to costs.

(Dr. Nandita Chatterjee)
Administrative Member

(Manjula Das)
Judicial Member