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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

O.A. No. 350/00 176 /2017

In the matter of :-

An application Under Section 19 of the
A. T. Act, 1985;

- And -

In the matter of:-

Sri Nirmal Kumar Saha,
S/o Late Kalipada Saha, aged about 48
years, working as Sorting Assistant
under RMS, W.B. Division, Howrah, Pin
- 711101 and residing at 27/1, Ramlal
Dutta Road, Bhadrakali, Uttarpara,
Hooghly, Pin - 712232.

...Applicant

- Versus -

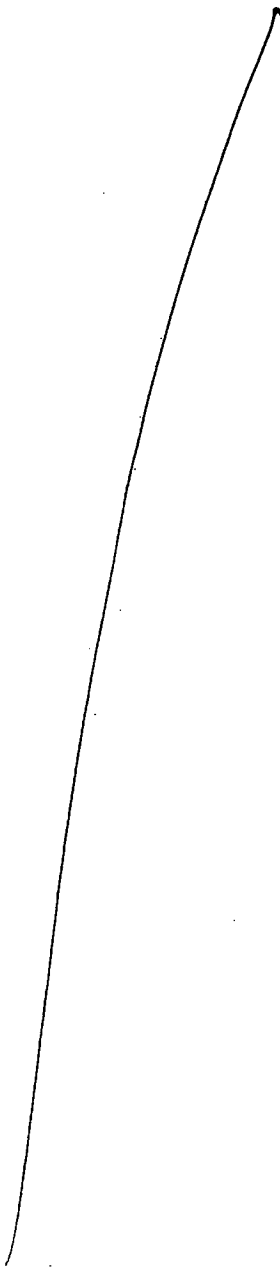
1. Union of India, Service through the
Secretary, Ministry of
Communication, Department of Post,
Dak Bhawan, New Delhi - 110001.
2. The Chief Post Master General, West
Bengal Circle, Yogayog Bhawan, C.
R. Avenue, Kolkata - 700012.

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3. The Senior Superintendent RMS,
'WB' Division, Howrah, Pin - 711101.
4. The Assistant Director of Postal
Services, (Staff E&PN), Office of the
Ch. P.M.G., W.B. Circle, Yogayog
Bhawan, C. R. Avenue, Kolkata -
700012.

...Respondents

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No.O.A.350/176/2017

Date of order : 21.09.2017

Coram : Hon'ble Mr. A.K. Patnaik, Judicial Member

Hon'ble Dr. (Ms.) Nandita Chatterjee, Administrative Member

For the applicant : Mr. K. Sarkar, counsel
Mr. A. Sarkar, counsel

For the respondents : Mr. K. Prasad, counsel

ORDER (ORAL)

Mr. A.K. Patnaik, J.M.

The instant O.A. has been filed by the applicant under Section 19 of the Central Administrative Tribunals Act, 1985 seeking the following reliefs:-

- i) "To issue direction upon the respondents and their men and agents to cancel, quash and set aside the impugned chargesheet dated 04.11.2016 forthwith;
- ii) To issue direction upon the respondents and their men and agents to produce connected departmental records at the time of hearing.
- iii) To pass further necessary order or orders, direction or directions as the Hon'ble tribunal deem fit and proper."

2. Heard Mr. K. Sarkar, Id. counsel for the applicant and Mr. S. Banerjee, Id. counsel for the respondents.

3. Brief facts of the case as stated by Mr. Sarkar, Id. counsel for the applicant is that on 04.11.2016 the respondents have issued a Charge sheet against the applicant, the applicant has been suspended and till date the suspension order has not been revoked. Mr. Sarkar has submitted that the applicant has duly filed his reply to the Charge sheet and made representation to the authorities for supply of documents but the same have not been supplied to him till date. Being

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aggrieved for such inaction of the respondents the applicant has approached this Tribunal praying for the aforesaid reliefs.

4. On being questioned as to how this O.A. is maintainable, Mr. Sarkar, Id. counsel for the applicant fairly submitted that the applicant will participate in the disciplinary proceeding but he is not being allowed to inspect the listed documents and take the relevant extracts so as to defend his case properly. Mr. Sarkar has submitted that the applicant made a representation to the Respondent No.3 i.e. the Senior Superintendent, RMS, WB Division, Howrah ventilating his grievances therein on 05.02.2017(Annexure A/7) , but that has not yet been considered by the respondents though six months have elapsed. Mr. Sarkar has further submitted that the applicant's grievance would be more or less redressed for the present, if a direction is given to the concerned respondent authority to dispose of the representation of the applicant and allow him to inspect the relevant documents and take extract of the same within a specific time frame .


5. Considering the facts and circumstances of the case, we think it would not be prejudicial to either of the sides if such direction is given to the Respondent authorities. Accordingly the Respondent No.3 i.e. the Senior Superintendent, RMS, WB. Division, Howrah is directed to consider and dispose of the representation of the applicant dated 05.02.2017(Annexure A/7 to the O.A.) as per rules and regulations in force and allow him to inspect the listed documents enclosed with the charge memo and if so advised, to take the photocopies of all the listed documents by authenticating the said documents within a period of six weeks from the date of receipt of a copy of this order.

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6. It is made clear that we have not gone into the merits of the case and all the points are kept open for consideration by the respondent authorities as per rules and guidelines governing the field.

7. With the above observations the O.A. is disposed of. No order as to cost.

8. A copy of this order be handed over to Id. Counsel for both sides.


(Dr. N. Chatterjee)
Administrative Member


(A.K. Patnaik)
Judicial Member

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