

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

APPLICATION UNDER SECTION 19 OF THE CENTRAL

ADMINISTRATIVE TRIBUNAL ACT, 1985

ORIGINAL APPLICATION NO. 13 of 2018

Shri Goutam Paul son of Gobinda Prasad
Paul aged about 50 years, worked as GDS
SPM/Khagrabari EDSO in a/c with Cooch
Behar HO presently removed from
employment, residing at Palashbari Road,
P.O. & Dist. Cooch Behar, P.S. Katwali,
Cooch Behar, Pin – 736 101.

..... Applicant

-Versus-

1. Union of India service through the
Secretary, Ministry of Communication &
Information Technology. Department of
Posts, Dak Bhavan, New Delhi – 100 001.
2. The Chief Post Master General, West
Bengal Circle, Yogayog Bhawan, C.R.
Avenue, Kolkata – 700 012.

Goutam Paul

3. The Director of Postal Services, O/O, the
P.M.G. North Bengal & Sikkim Region,
Siliguri, Pin - 734401.

4. The Superintendent of Post Offices,
Cooch Behar Division, Dist. - Cooch Behar,
Pin - 736 101.

.... Respondents

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No. O.A. 350/00013/2018

Date of order: 8.6.2018

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

For the Applicant : Mr. R. Talukdar, Counsel

For the Respondents : Mr. A.K. Chattopadhyay, Counsel

ORDER (Oral)**A.K. Patnaik, Judicial Member:**

Heard Mr. R. Talukdar, Ld. Counsel for the applicant and Mr. A.K. Chattopadhyay, Ld. Counsel for the official respondents.

2. This OA has been filed by the applicants praying for the following reliefs:

"8.(a) An order/direction, directing the respondents to cancel, rescind or set aside the letters dated 19.10.2016 and dated 08.11.2016 regarding initiation of PAD Act since there is no outstanding amount to be paid and the department is liable to refund back the excess amount paid by the applicant as well as other terminal benefits as per the rules.

(b) An order/direction, directing the respondents to cancel, rescind withdraw or set aside the purported initiation of PAD Act in connection with alleged Khagrabari fraud case against the applicant against all procedures of law.

(c) An order/direction, directing the respondents to cancel, rescind withdraw or set aside the order dated 25.05.2017 for non-considering the departmental appeal of the applicant as the appeal period had already been expired and/or without condoning the delay, being illegal.

(d) An order/direction, directing the respondents to refund back the excess amount to the applicant with other terminal benefits which the applicant is entitled to get as per the rules.

(e) An order/directing upon the respondents to place all the relevant records of the case before the Hon'ble Bench for conscionable justice.

(f) Any other order/orders, further order/orders, as to this Hon'ble Tribunal seem fit and proper."

3. The facts in a nut shell as per Mr. Talukdar, Ld. Counsel for the applicant, are that the applicant was appointed as GDS/SPM Khagrabari EDSO in A/c with Cooch Behar HO on 30.9.1997. He was put off duty with immediate effect on 10.11.2009 as a disciplinary proceeding was pending against him. A FIR was

lodged on 18.2.2010 in Kotwali P.S. Coochbehar against him for alleged misappropriation of an amount of Rs. 34, 390/-. Thereafter articles of charges were framed and he was removed from service with disqualification for future employment on 26.12.2014. The Superintendent of Post Offices, Cooch Behar Division issued a letter dated 19.10.2016 regarding initiation of proceedings under Public Accounts Default Act, 1850. The applicant preferred an appeal on 6.3.2017 before the Director of Postal Services, Appellate Authority against the order of removal from employment which has been rejected as the applicant did not make the appeal within the fixed time limit.

4. Mr. Talukdar, Ld. Counsel for the applicant submitted that the grievance of the applicant would be more or less addressed if a specific order is passed by directing the concerned authority i.e. respondent No. 3 to consider and dispose of the appeal dated 6.3.2017 within a specific time frame.

5. Therefore, I dispose of this O.A. by directing the respondent No. 3 that, if any, such appeal as claimed by the applicant has been preferred on 6.3.2017 and the same is still pending consideration, then the same may be considered and disposed of within a period of four weeks from the date of receipt of this order.

6. On the other hand, Mr. A.K. Chattopadhyay, Ld. Counsel for the official respondents strongly opposed that in the meantime the period for preferring the appeal had already elapsed and, therefore, it should not be entertained. As I have directed the respondent No. 3 to consider the appeal, I make it clear that while considering the appeal, the appellate authority will not enter into the point of limitation.

7. Though I have not entered into the merits of the case still then I hope and trust that after such consideration, if the applicant's grievance is found to be genuine, then expeditious steps may be taken by the concerned respondent No. 3 within a further period of four weeks from the date of such consideration to extend the benefits to the applicant. However, if in the meantime, the said appeal

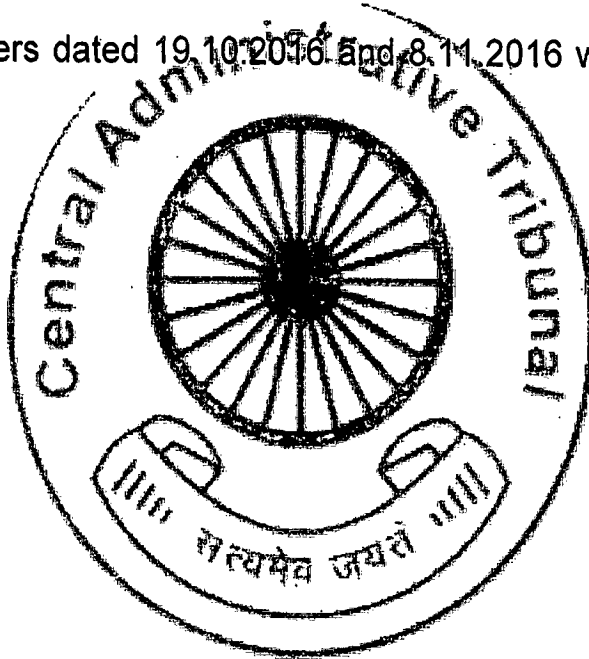
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stated to have been preferred on 6.3.2017 has already been disposed of then the result thereof be communicated to the applicant within a period of 2 weeks from the date of receipt of a copy of this order.

8. With the aforesaid observation and direction, the O.A. is disposed of.

9. As prayed for by Mr. Talukdar, Ld. Counsel a copy of this order along with paper book be transmitted to the respondent No. 3 by speed post for which Mr. Talukdar undertakes to deposit necessary cost in the Registry by the next week.

10. Mr. Talukdar, Ld. Counsel for the applicant prayed for an interim protection by restraining the respondents not to give any effect to the letters dated 19.10.2016 and 08.11.2016. I make it clear that till the appeal is considered and disposed of and the result communicated to the applicant, no further action in pursuance of the letters dated 19.10.2016 and 8.11.2016 will be initiated by the appellate authority.



(A.K. Patnaik)
Judicial Member

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