

**CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH**

No. OA 350/375/2017

Date of order : 3.5.2017

LIBRARY

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

SWAPAN KUMAR HALDER
@ SWAPAN HALDER
 S/o Debendra Nath Halder
 GDSMD, Nakpul Branch Office,
 Also acting as GDSBPM,
 Nakpul Branch Office in a/c
 With Bongaon Sub Office,
 since being under order of dismissal,
 R/o Ratepara (beside Western View
 Nursing Home),
 P.O. & P.S. – Bongaon,
 Dist. – 24 Pgs. (N),
 Pin – 743235.

...APPLICANTS

VERSUS

1. Union of India, through
 Secretary,
 Ministry of Communication & IT,
 Dept. of Posts,
 Dak Bhawan,
 Sansad Marg,
 New Delhi – 110116.
2. The Chief Post Master General,
 West Bengal Circle,
 Yogayog Bhawan,
 P/36 C.R.Avenue,
 Kolkata – 700012.
3. The Director of Postal Services,
 Kolkata Region,
 Office of the Post Master General,
 Kolkata Region,
 Yogayog Bhawan,
 P/36 C.R.Avenue,
 Kolkata – 700012.
4. The Superintendent of Post Offices.,
 Barasat Division,
 Barasat,
 Kolkata - 700124.
5. The Inspector of Posts,
 Bongaon Sub Division,
 Bongaon – 743235,
 Dist.- 24 Pgs (N).

....RESPONDENTS.

[Signature]

For the applicants: Mr.J.R.Das, counsel

For the respondents: Mr.P.N.Sharma, counsel

O R D E R (ORAL)

A.K.Patnaik, J.M.

Heard Mr.J.R.Das, Id. Counsel appearing for the applicants and Mr.P.N.Sharma, Id. counsel appearing for the departmental respondents.

2. This OA has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs :

- a) An order directing the respondents and their subordinates to cancel, rescind, withdraw or set aside, the purported order of put off duty (suspension) being dated 27.5.2014, charge memorandum being dated 23.5.2014, inquiry procedure and report dated 24.9.2015 and the so called punishment order dated 2.3.2016 by undue disciplinary authority as also so called appellate order dated 12.7.16 by the under 'Appellate Authority' without following due procedures of law.
- b) An order directing the respondent authority to reinstate the applicant at his original post and status w.e.f. the date of his being put to put off duty (suspension) with all consequential benefits and due interest thereon in the interest of justice.
- c) To pass an appropriate order directing the respondents to submit all relevant records of the case before the Hon'ble Tribunal for concessionable justice with copies to the Id. Advocate of the applicants for reference thereto.
- d) Any other order or further order/orders as to this Hon'ble Tribunal may deem fit and proper.

3. As per the Id. Counsel for the applicants the sum and substance of the OA is that the applicant initially joined as EDDA, Nakpul BO in MC with Bongaon SO under Barasat HO w.e.f. 15.7.2001. By an order dated 22.5.2012 the applicant was put to put off duty with immediate effect. The applicant approached this Tribunal in OA 642/2013 wherein this Tribunal held the order of suspension dated 22.5.12 to be not legally sustainable. The said suspension order dated 22.5.12 was revoked w.e.f. 27.5.2014 instead of 22.5.2012 and the applicant was put on further suspension w.e.f. 27.5.2014. The applicant preferred OA 1080/2014 assailing the aforesaid irregular order of revocation of suspension since due from 22.5.12 and for his due pay and allowances for the said period of illegal suspension and the same is still pending disposal.

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The applicant has been issued with a major penalty charge sheet on 23.5.14 to which he preferred a representation dated 26.10.15. On 2.3.2016 the applicant was imposed with major punishment of dismissal from engagement. The applicant has made representation dated 17.9.2016 to the respondent No.2, but till date he has received no reply from the respondent authorities. Hence the applicant has approached this Tribunal in the instant OA.

4. Mr.Das submitted that the grievance of the applicant will be more or less redressed if the respondents are directed to consider and dispose of the ^(statutory revision) [^] representation dated 17.9.2016 preferred by the applicant addressed to respondent No.2 within a specific time frame.

5. We do not think it will be prejudicial to either sides if this OA is disposed of at the admission stage itself by directing the respondent No.2 to consider the ^(made under Sectn 19 of GDS) [^] statutory revision application dated 17.9.16 stated to have been preferred by the applicant as per rules and regulations in force and communicate the result thereof to the applicant by way of a well reasoned order, within one month from the date of such consideration. ^(in consideration of the above and the rules)

6. Therefore without entering into the merit of the case we dispose of the instant OA at the admission stage itself with a direction to the respondent No.2 to consider the statutory revision dated 17.9.16 stated to have been preferred by the applicant as per rules and regulations and dispose it of by passing a well reasoned and speaking order and communicate the same to the applicant within one month from the date of receipt of this order.

7. With the above observation and direction the OA is disposed of. No costs.

8. As prayed for by Mr.Das, a copy of this order along with the paper book of this OA be transmitted to respondent No.2 by Speed Post for which he will deposit the cost with the Registry within a period of one week.


(JAYA DAS GUPTA)
MEMBER (A)
in


(A.K.PATNAIK)
MEMBER (J)