

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH



No. OA 350/30/2017

Date of order : 5.5.2017

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

MRINAL KANTI MAJUMDAR

S/o Late Rabindra Chandra Majumdar,
Ex. Scientist-E, CSR & T,
Berhampore,
Central Silk Board,
West Bengal,
R/o 33 Radha Madhav Datta Garden Lane,
Belegkata,
Kolkata - 700010.

...APPLICANTS

VERSUS

1. Union of India, through
Secretary to Govt. of India,
Ministry of Textiles,
Udyog Bhawan,
Dr. Moulana Azad Road,
New Delhi - 110011.
2. The Chairperson,
Central Silk Board
(Ministry of Textiles -
Govt. of India),
CSB Complex,
BTM Layout Madiwala,
Bengaluru - 560068.
3. The Member - Secretary,
Central Silk Board
(Ministry of Textiles -
Govt. of India),
CSB Complex,
BTM Layout Madiwala,
Bengaluru - 560068.

RESPONDENTS..

For the applicants: Mr.S.K.Dutta, counsel

For the respondents: Mr.P.Mukherjee, counsel

O R D E R (ORAL)

A.K.Patnaik, J.M.

Heard Mr.S.K.Dutta, Id. Counsel appearing for the applicants and
Mr.Mukherjee, Id. Counsel appearing for the departmental respondents.

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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 quashing and/or setting aside the impugned charge sheet dated 14.10.2011 and entire proceeding including inquiry held thereunder;
- b) An order quashing and/or setting aside the order of penalty dated 9.4.16;
- c) An order directing the Appellate Authority to consider the appeal preferred by the applicant including all points raised in the appeal being dated 20.6.2016 and dispose of the same within a period as to this Hon'ble Tribunal may seem fit and proper;
- d) An order directing the respondents to produce/cause production of all relevant records;
- e) Any other order or further order/orders as to this Hon'ble Tribunal may seem fit and proper;

4. As per the Id. Counsel for the applicants the sum and substance of the OA is that the applicant who is an Ex-Scientist-E of the CSR & TR has been dismissed from service by order dated 9.4.2016. Against the departmental proceedings as well as the order of the Disciplinary Authority dated 9.4.2016, the applicant preferred a statutory appeal dated 20.6.2016 pursuant to which he was given a personal hearing by the concerned Appellate Authority. But till date his appeal has not been considered and disposed of. Hence the applicant has approached this Tribunal in the instant OA.

5. Mr.Dutta submitted that the grievance of the applicant will be more or less redressed if the respondents are directed to consider and disposed of the appeal dated 20.6.16 preferred by the applicant addressed to respondent No.3 within a specific time frame.

6. 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.3 to consider the ^{statutory} appeal dated 20.6.16 stated to have been preferred by the applicant as per rules and regulations in force and communicate the result thereof to the applicants by way of a well reasoned order, within one month from the date of such consideration.

7. 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.3 to consider the ^{statutory} appeal dated 20.6.16 stated to have been preferred by the

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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.

8. Though we have not expressed any opinion on the merit of the matter and all the points to be raised in the representation stated to have been preferred by the applicant, are kept open for the said respondent No.3 to consider the same as per the rules and regulations in force, still then we hope and trust that after such consideration if the applicant's grievance is found to be genuine then expeditious steps may be taken within a further period of three months from the date of such consideration to redress his grievance.

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

10. As prayed for by Mr.Dutta, a copy of this order along with the paper book of this OA be transmitted to respondent No.3 by Speed Post for which he will deposit the cost with the Registry within a period of one week.

(JAYA DAS GUPTA)
MEMBER (A)

(A.K.PATNAIK)
MEMBER (J)

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