

LIBRARY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH, KOLKATA

OA/350/00291/2019
PARTICULARS OF THE APPLICANT:

HARENDRA NATH KARMAKAR, SON OF LATE Kalipada Karmakar, aged about 59 years, residing at Village - Uttar Bagundi, Post Office - Gotra, District - North 24 Paraganas, Pin 743422, West Bengal

..... APPLICANT

V E R S U S -

- i) Union of India, through the Secretary, Ministry of Communication, Department of Post Dak Bhawan, New Delhi 1.
- ii) The Chief Post Master General, Yogayog Bhawan, C. R. Avenue, Kolkata 700012.
- iii) The Director of Postal Services, Kolkata Region, Yogayog Bhawan, C. R. Avenue, Kolkata 700 012.
- iv) The Superintendent of Post Offices, Barasat - Division, Barasat, Kolkata 700124
- v) Pulak Das, (Inquiry Officer & Dy. Director, Kolkata, G.P.O. 700001

..... RESPONDENTS

SL

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/350/291/2019

Date of Order: 11.02.2019

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

Harendra Nath Karmakar -vs- D/o India Post

For the Applicant(s): Mr. A. Chakraborty, Counsel

Ms. P. Mondal, Counsel

For the Respondent(s): Mr. A. K. Chattopadhyay, Counsel

ORDER (ORAL)

A.K Patnaik, Member (J):

Heard Mr. AK.Chakraborty, Ld. Counsel for the applicant, and Mr. A.K.Chattopadhyay, Ld. Counsel appearing for Official Respondents, in extenso.


2. This O.A. has been filed under Section 19 of the Administrative Tribunals Act, 1985 with the following prayers:

"i) Charge sheet served upon the applicant under Rule 14 of the CCS(CCA) Rule, 1965 vide Memorandum dated 06.10.2016 and office order dated 7.1.19 cannot be sustained in the eye of law and the same may be quashed.

ii) An order do issued directing the Chief Post Master (General) to dispose of the representation dated 11.02.13 and to pass a speaking on reasoned order.

iii) An do interim order do issue directing the respondents not to continue with the Disciplinary proceedings till the disposal of the application."

3. Briefly stated, the case of the applicant as enumerated by Ld. Counsel is that the applicant was proceeded under Rule 14 of the CCS(CCA) Rule, 1965 on 06.10.2016. The applicant made a representation praying for fixing up venue nearer to the Headquarter or Bhabia since he is suffering from acute heart problem. The applicant was requested to appear on 28.05.2018 in connection with the case along with his defence helper. The applicant submitted a petition praying for change of inquiry officer on the ground of being biased, which was rejected. He



again made a petition against the appointment of Enquiry Officer and that was also rejected. Ld. Counsel submitted that ventilating his grievance the applicant has preferred representation dated 11.02.2019 under Annexure-A/6 before Respondent No. 2 respectively but till date nothing has been communicated to the applicant. He further submitted that grievance of the applicant may be redressed if Respondent No. 2 is directed to consider the aforesaid representation within a specific time frame.

4. Having heard Ld. Counsel for the parties, without going into the merit of the matter, I dispose of this O.A. by directing Respondent No. 2 to consider the representation of the applicant as at Annexure- A/6, if the same has been filed and is pending for consideration and pass a reasoned and speaking order as per rules and regulations within a period of six weeks from the date of receipt of copy of this order. It is made clear that till the representation is considered and result communicated to the applicant Respondents are restrained to proceed further in the disciplinary proceeding case against the applicant. I also make it clear that if in the meantime the said representation has already been disposed of then the result thereof be communicated to the applicant within two weeks.

5. With the aforesaid observation and direction, this O.A. stands disposed of. No costs.

6. As prayed for by the Ld. Counsel for the applicant, copy of this order, along with paperbook be transmitted to Respondent No. 2, for which, he undertakes to deposit the cost with the Registry within a week.

7. Copies of this order be handed over to the Ld. Counsel for the parties.

(A.K.Patnaik)
Member(J)

RK/PS