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BEFORE THE CENTRAL ADMINISTRATIVE
TRIBUNAL
KOLKATA BENCH.

O. A. No. 350/ 284 of 2019.

Vinod Kumar Gupta, son of Deva
Deen Gupta, aged about 37 years,
working as Joint Director, office of
the Chief Engineer, Siliguri Zone,
Sevoke Military Station, Salugara-
734 008, Siliguri, West Bengal,
residing at House No. KPO-6D, MES
Officers Colony, Sevoke Military
Station, Sevoke Road, Salugara,
Siliguri- 734 008, West Bengal.

...Applicant.

-Vs-

1. Union of India through the
Secretary to the Govt. of India,
Ministry of Defence, South Block
New Delhi- 110011.

2. The Secretary to the Govt. of India
Ministry of Defence, South Block,
New Delhi- 110011.

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3. The Under Secretary to the Govt. of
India, Ministry of Defence, D (Lab),
South Block, New Delhi- 110011.

4. Engineer-in-Chief, Integrated
Headquarters, Ministry of Defence
(Army), Kashmir House, Rajaji
Marg, New Delhi- 110011.

... Respondents.

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CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/350/284/2019

Date of Order: 05.03.2019

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

Vinod Kumar Gupta -vs- M/o Defence

For the Applicant(s): Mr. S.K Datta, Counsel
Ms. A. Roy, Counsel

For the Respondent(s):

ORDER (ORAL)

A.K Patnaik, Member (J):

Heard Mr. S.K.Datta, Ld. Counsel for the applicant.

2. Applicant has moved this Tribunal in this O.A. under Section 19 of the Administrative Tribunals Act, 1985 with the following prayers:

- “ a) An order quashing and/or setting aside the impugned charge sheet dated 12th February, 2018.
- b) An order directing the respondents to grant all consequential benefits to the applicant.
- c) An order directing the respondents to produce/cause production of all relevant records
- d) Any other order or further order/orders as to this Hon'ble Tribunal may seem fit and proper.”

3. In short, the case of the applicant as narrated by Ld. Counsel for the applicant is that the applicant joined MES as Assistant Executive Engineer on probation on 5.11.2005 and, subsequently, got promoted as Executive Engineer in November, 2010. It is submitted by Ld. Counsel that to his utter shock and surprise, the applicant was served with a Memorandum of Charge Sheet dated 12.02.2018 pertaining to the period when he was on probation and posted under

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○ Chief Engineer, Pune Zone and such belated charge sheet was issued upon him without asking any explanation. The applicant replied to such charge sheet on 29.09.2018 after getting copies of the relied on documents but the authorities are sitting tight over the matter. Ld. Counsel for the applicant submitted that ventilating his grievance, the applicant preferred representation dated 24.11.2018 (Annexure-A/3) before Respondent No. 2 but no communication has been made to the applicant from the said authority till date. He, however, submitted that the applicant's grievance may be redressed if a direction is issued to Respondent No. 2 to consider the representation of the applicant as at Annexure-A/3 within a specific time frame.

4. Having heard Ld. Counsel for both 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/3, 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. I make it clear that no further action in pursuance of charge memo under Annexure-A/1 will be taken by the Official Respondents till the representation is considered and result is communicated to the applicant. It is also made clear that if after such consideration the grievance of the applicant is found to be genuine then expeditious steps be taken to withdraw the said charge memo. I 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 a period of 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

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with paperbook be transmitted to Respondent No. 2, by Speed Post, 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

