



CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

No. O.A. 350/00828/2017

Date of order: 06.02.2019

Present : Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

Sri Subimal Kar,
Son of Bhola Nath Kar,
Working as GDSBPM under Inspector of Posts,
Contai Second Second Sub Division
and residing at Vill. & Post – Chouddachuli,
Via – Kalagachia,
Dist. – Midnapore (East).

..... Applicant.

-Versus-

1. Union of India,
through the Secretary,
Ministry of Communication,
Dak Bhawan,
New Delhi – 110 001.
2. The Post Master General,
West Bengal Circle,
Yogayog Bhawan,
C.R. Avenue,
Kolkata – 700 012.
3. The Superintendent of Post Offices,
Contai Division, Contai,
Midnapore (East).
4. The Inspector of Posts,
Contai Second Sub Division, Contai,
Dist. – Purba Midnapore,
Pin Code No. : 721 401.

..... Respondents

For the Applicant : Mr. N. Roy, Counsel

For the Respondents : Mr. K. Prasad, Counsel

O R D E R (Oral)

Per Dr. Nandita Chatterjee, Administrative Member:

The instant Original Application has been filed under Section 19 of the Administrative Tribunals Act, 1985 praying for the following relief:-

- "(a) To issue direction upon the respondent to re-instate the applicant under the respondent authority forthwith.
- (b) To issue further direction upon the respondent to consider the representation dated 19.08.2016 forthwith.
- (c) To issue further direction upon the respondent to cancel, and/or quash and/or set-aside the impugned order dated 30.10.2015 forthwith."

2. Heard both Ld. Counsel examined pleadings and documents on record.

3. The case of the applicant, as submitted through his Ld. Counsel, is that the applicant has been suspended on grounds of misappropriation of Government money and, although thereafter, the applicant has repaid an amount of Rs. 1,30,000/- on 3.11.2015 and had represented to the authorities for reinstatement, the respondent authorities have not taken any decision on the same. Ld. Counsel further submits that no disciplinary proceedings have been initiated against the applicant and, hence, being aggrieved, the applicant has approached the Tribunal with the instant Original Application.

Ld. Counsel for the applicant seeks liberty to file a further comprehensive representation citing circulars, as applicable, in his support and Ld. Counsel for the respondents does not object to consideration of such representation in accordance with law.

4. Accordingly, with the consent of the parties and, without entering into the merits of the matter, we hereby accord liberty to the applicant to prefer a comprehensive representation citing circulars, as applicable, in his support and to submit the same to the concerned respondent authority within three weeks from the date of receipt of a copy of this order. Once such representation is received at his end, the concerned respondent authority will thereafter examine

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the same and issue a reasoned and speaking order in accordance with law within a further period of four weeks thereafter. In case, the applicant is found eligible for reinstatement, actions may be taken accordingly, within further four weeks of arriving at such decision.

6. With these observations and directions, the O.A. is disposed of. No costs.

[REDACTED]
(Dr. Nandita Chatterjee)
Administrative Member

[REDACTED]
(Bidisha Banerjee)
Judicial Member

SP

