

LIBRARY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CALCUTTA BENCH, CALCUTTA

O. A. No. 350/ 001560 of 2018

IN THE MATTER OF:

PARIKSHIT KAR, son of Shri Pradip Kumar
Kar, aged about 36 years, residing at 'Ila
Villa', South Bankim Pally, Madhyamgram,
Police Station- Madhyamgram, District- 24-
Parganas (North), Pin- 700129.

...Applicant

-Versus-

1. UNION OF INDIA service through the
Secretary, Ministry of Science and
Technology, Government of India,
having its office at Technology Bhavan,
New Mehrauli Road, New Delhi-110016.
2. THE JOINT SECRETARY Ministry of
Science and Technology, Government of
India, having its office at Technology
Bhavan, New Mehrauli Road, New Delhi-
110016.

RA

3. THE INDIAN ASSOCIATION FOR THE
CULTIVATION OF SCIENCE, service
through the Chairman, having its office
at 2/3, Jaswat Baug, Runwal Park
behind Akbarally V.N. Purav Marg,
Chembur, Mumbai- 400071;

4. THE DIRECTOR, the Indian Association
for the Cultivation of Science, having its
office at 2A & 2B, Raja S.C. Mullick
Road, Poddar Nagar, Jadavpur, Kolkata-
700032.

5. THE ACTING REGISTRAR, the Indian
Association for the Cultivation of
Science, having its office at 2A & 2B,
Raja S.C. Mullick Road, Poddar Nagar,
Jadavpur, Kolkata- 700032.

...Respondents.

Wd

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/350/1560/2018

Date of Order: 11.10.2018

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

For the Applicant(s): Mr. P. C Das, Counsel

Ms. T. Maity, Counsel

For the Respondent(s):

ORDER (ORAL)

A.K Patnaik, Member (J):

Heard Ld. Counsel for the applicant.

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

"a) to quash and/or set aside the impugned termination order dated 24.09.2018 issued by the Acting Registrar of Indian Association for the Cultivation of Science, Kolkata without any prior notice to the applicant, they terminated the applicant from service by making some stigma in the order of termination which cannot be permissible in terms of the proposition of law as decided by the Hon'ble Supreme Court being Annexure A-4 of this original application.

b) to declare that the impugned order of termination dated 24th September, 2018 issued by the Acting Registrar of Indian Association for the Cultivation of Science, Kolkata is stigmatic or punitive one and is not maintainable in the eyes of law which may be liable to be quashed and/or set aside because so many allegations has been made in the said order of termination without any due process of law and without giving any opportunity of hearing to the present applicant and without giving any chance to the applicant to defend such allegations with proper enquiry and proper charge-sheet, therefore, the said order of termination dated 24.09.2018 is arbitrary, illegal and bad in law and also against the settle proposition of law as decided by the Hon'ble Supreme Court in a catena of cases.

Al

c) to pass an appropriate order directing the respondent authority to quash and/or set aside the order of termination dated 24.09.2018 and to reinstate the applicant in service with all consequential benefits forthwith."

3. The brief facts of the case as narrated by ld. counsel for the applicant are that the applicant, vide Advertisement No. IACS/ADVT/P/3 dated June 22, 2016, applied for the post of Security Officer and came out successful and joined the post in the year 2017. On 24th September 2018, the respondent authority issued an order of termination without giving any opportunity of hearing and without issuing any show-cause notice to the applicant. The authorities have levelled many allegations against him but no charge sheet was issued to him. It has been submitted by the Ld. Counsel for the applicant that as per the condition of the appointment, there is prescribed probation of one year and since the applicant specifically completed his probation period, he is automatically deemed to be a permanent employee. Against such order of termination, the applicant ventilated his grievance the applicant has preferred a representation dated 27.09.2018 (Annexure-A/5) before Respondent No.5 but nothing has been communicated to him till date.


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. 5 to consider the representation of the applicant, if the same has been filed and is pending before him for consideration, keeping in mind Annexure-A/6, 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 if after such consideration the grievance of the applicant is found to be genuine then expeditious steps be taken within a further period of six weeks to allow him to join his duties. 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 two weeks.

Al

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. 5, 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

