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KOLKATA BENCH, KOLKATA

O. A. No.350/01/054 of 2018

NIRANJAN NASKAR, son of Late

Ananta Kumar Naskar, aged about 59

years, presently working as Assistant

Controller of Stationery (Admn.)II in the

office of Govt. of India Stationery Office,

3, Church Lane, Kolkata-700001,

residing at 9/89, Prathama Apartment,

Netaji Nagar, P.O. Regent Estate, P.S.

Netaji Nagar, Kolkata-700092.

... APPLICANT

V E R S U S

1. UNION OF INDIA, service through

the Secretary, Ministry of Housing &

Urban Affairs, "B" Wing, Nirman

Bhawan, Moulana Azad Road, Rajpath

Area, Central Secretariat, New Delhi-

110108.

2. **THE JOINT SECRETARY**, Ministry of Housing & Urban Affairs, "B" Wing, Nirman Bhawan, Moulana Azad Road, Rajpath Area, Central Secretariat, New Delhi-110108.

3. **THE DIRECTOR (Printing Stationery Publication)**, Ministry of Housing & Urban Affairs, "B" Wing, Nirman Bhawan, Moulana Azad Road, Rajpath Area, Central Secretariat, New Delhi-110108.

4. **THE CONTROLLER OF STATIONERY/DISCIPLINARY AUTHORITY**, Government of India, Stationery Office, 3, Church Lane, Kolkata-700001.

5. **THE DEPUTY CONTROLLER OF STATIONERY (Admn.)**, Government of India, Stationery Office, 3, Church Lane, Kolkata-700001.

... RESPONDENTS

No. O.A. 1054 of 2018

Date of order: 13.3.2019

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

(NIRANJAN NASKAR VS. STATIONERY OFFICE)

For the Applicant : Mr. S.K. Dutta, Counsel
 Mr. B. Chatterjee, Counsel

For the Respondents : Mr. B.P. Manna, Counsel

O R D E R (Oral)

Per Ms. Bidisha Banerjee, Judicial Member

Heard Ld. Counsel for the parties.

2. The facts necessary and germane to the lis are as under:

It came to the knowledge of the Department, through a correspondence received from New Market Police Station some times in April 2016, that Shri Niranjan Naskar (the applicant herein) while functioning as Assistant Controller (Sty.), Government of India, Stationery Office, 3, Church Lane, Kolkata-700001 was caught and arrested by the police of New Market Police Station on 29.01.2014.

3. As per Government of India Decision no. 2 under Rule 3 of CCS (Conduct) Rules, 1964, it is the duty of the Government employee to report to his office authority forthwith about his detention in police custody and the circumstances therewith. Failure/gross violation of conduct rule on the part of any Government servant; to inform his official superior will be regarded as suppression of material information and will render him liable to Disciplinary action and Shri Niranjan Naskar being a senior most Group 'B' Gazetted Officer ought to be aware of the said provisions under the conduct rule.

Besides that, he regularized the period of his absence on the aforesaid date, i.e. 30.01.14, without disclosing the fact of his arrest.

His office served a charge sheet upon him on 29.03.2017 on the ground of suppression of fact about his detention in police custody.

The fact of his arrest came to light at the time of sending a proposal for his promotion to the post of Deputy Controller of Stationery (Admn.) on 28.02.2017. However, a DPC for promotion to the post of Deputy Controller (Admn.) stood already conveyed by the UPSC on 05.07.2018 but the respondent counsel is not aware whether a sealed cover was adopted by the DPC.

What transpired at the hearing is that the applicant had suppressed the factum of his arrest on 29.1.2014 and, therefore, a charge-sheet was issued to him in the year 2017. However, according to the applicant it was issued with malafide motive to deprive him of timely promotion and to give advantage to his juniors to steal a march over and ahead of him.

4. It also transpires that the proceedings could not be initiated since in the absence of a regular disciplinary authority i.e. Assistant Controller of Stores, no Enquiry Officer and Presenting Officer could be appointed. However, since a regular disciplinary authority is in office, the proceedings can be completed within a time frame.

5. Accordingly, we direct the authorities to complete the pending disciplinary proceeding within one month from the date of receipt of a copy of this order, open the sealed cover, if any initiated, and accord due benefits with appropriate orders within a further period of one month thereafter.

6. The O.A. stands disposed of accordingly. No costs.

(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

SP