

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CALCUTTA BENCH, CALCUTTA

An application under Section 19 of the Administrative Tribunal Act, 1985

In the matter of :

O.A. No. 350/ 1794 of 2017

Smt. Bandana Sengupta,
wife of Sri Arabinda Sengupta, Sonarpur
(South), Noapara Third Lane, P.O. Sonarpur,
District South 24-Parganas, Calcutta,
Pin – 700150.

..... Applicant

Versus –

1. Union of India service through the Secretary,
Ministry of Health and Family Welfare, Nirman
Bhawan, New Delhi, Pin 110011.
2. The Director General of Health Services,
Ministry of Health and Family Welfare,
Government of India, Nirman Bhawan,
New Delhi – 110011.
3. The Director, All India Institute of Hygiene
Health, Government of India, 110,
Chittaranjan Avenue, Kolkata – 700073.

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4. The Officer in Charge, AIH & PH Urban
Health Centre, 19B, Chetla Hat Road,
Kolkata – 700027.

5. Dr. N.C. Deb Barman, Additional Director(W)
All India Institute of Hygiene & Public Health,
110, Chittaranjan Avenue, Office of the
Director, Kolkata – 700073.

..... Respondents

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CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

No. O.A. 350/01794/2017

Date of order: 22.4.2019

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

(BANDANA SENGUPTA V. M/O. HEALTH AND FAMILY WELFARE)

For the Applicant : Mr. P.C. Das, Counsel

For the Respondents : Mr. K. Prasad, Counsel

ORDER (Oral)

Per Ms. Bidisha Banerjee, Judicial Member:

Heard Id. Counsel for the parties.

2. At hearing, Id. Counsel for the applicant submits that he is not aggrieved with the conclusions of the Revisional Authority. However, his grievance is concerning the order passed by the Additional Director, dated 27.4.2015, whereby and whereunder the said Additional Director has modified the penalty imposed by the Director vide order dated 27.8.2009, of "withholding her annual increment for three years, i.e. of 1st July of 2010, 2011 and 2012 respectively" to that of "withholding of increment with cumulative effect."

3. Since, in our considered opinion, the Additional Director cannot modify the penalty imposed by the Director as disciplinary authority, we remand the matter back to the disciplinary authority to see that the penalty imposed upon the applicant by him and as decided by the appellate authority and the revisional authority is duly given effect to without any modifications or clarifications by any

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lower authority and without being influenced by the order passed by the Additional Director.

4. The O.A. is, accordingly, disposed of. No costs.

(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

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