

BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
AT CALCUTTA

O.A. NO: 351/1948 /AN of 2018

Shri. Pradeep Chanda
Son of Late S. C. Chanda
Residing at Bhathu Basti
Garacharama P. O
South Andaman District
Port Blair-744105
A & N Islands
Presently posted as Head Clerk
Under Directorate of Shipping Services
A & N Administration
Port Blair

... Applicant

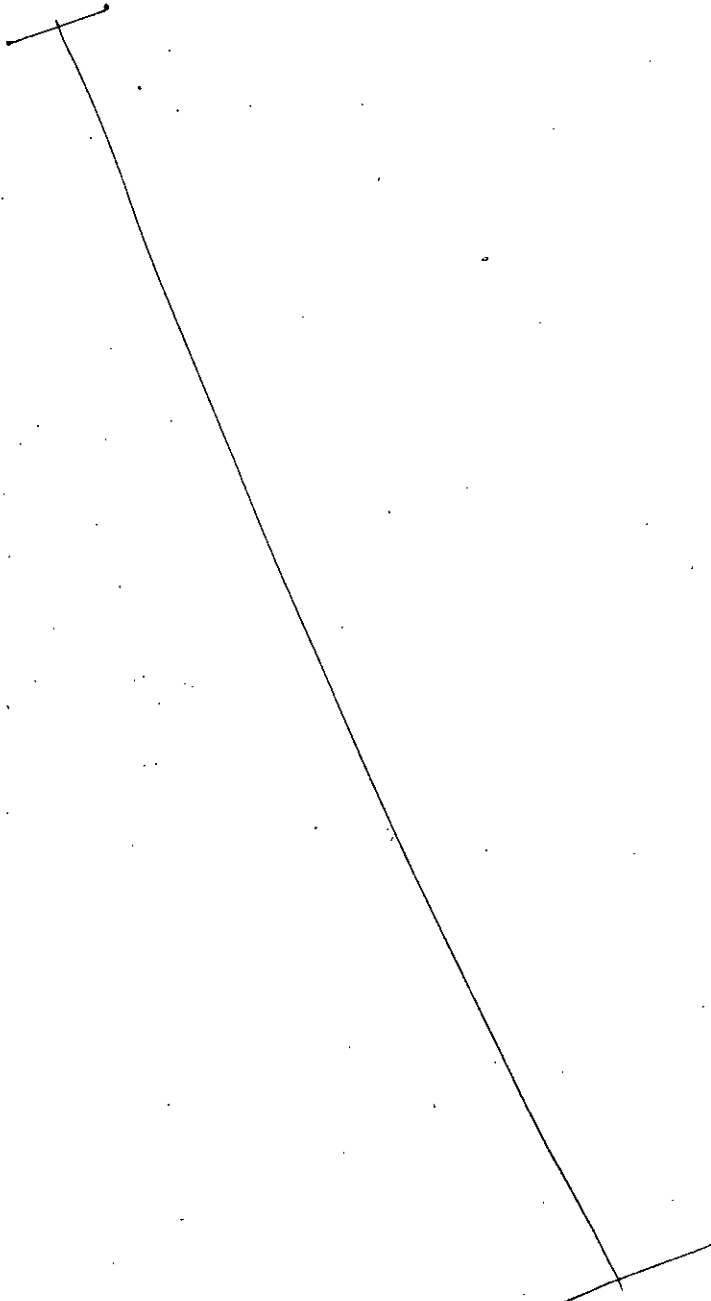
-Versus-

- 1) The Union of India
Through its Secretary
Ministry of Home Affairs
New Delhi-110001
- 2) The Director
Central Vigilance Commission
Satarkta Bhawan, G.P. O. Complex
Block A, INA
New Delhi - 110023
- 3) The Lt. Governor
A & N Islands
Raj Niwas, Port Blair - 744101
- 4) The Chief Secretary (Disciplinary Authority)
A & N Administration
Secretariat, Port Blair-744101

5) The Chief Vigilance Officer (Chief Secretary)
A & N Administration
Secretariat, Port Blair-744101

6) The Secretary (IP & T) (Inquiry Officer)
A & N Administration
Secretariat, Port Blair-744101

... Respondents



180

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/351/1948/2018

Date of Order: 07.01.2019

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

Pradeep Chanda -vs- Shipping

For the Applicant(s): Mr. J. R Das , Counsel
Ms. T. Maity, Counsel

For the Respondent(s): Mr. P. K Das, Counsel

ORDER (ORAL)

A.K Patnaik, Member (J):

Heard Mr. J.R.Das, Ld. Counsel for the applicant, and Mr. P.K.Das, Ld. Counsel appearing for Official Respondents, in extenso.

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

"a) To pass an appropriate order directing the respondent authorities particularly the respondent no. 04 herein to drop and/or close the impugned disciplinary proceeding against the applicant initiated vide Memorandum No. 81-1898/90-PW dated 30/10/2015 (Annexure A-5 collectively) in consonance with the circular of Central Vigilance Commission, New Delhi.

b) To pass appropriate order/directions upon the respondents more particularly the respondent No. 04 to act in accordance with the circular of Central Vigilance Commission, New Delhi.

c) To produce the relevant records in the instant case before this Hon'ble Tribunal.

d) Any other order or further order or orders as this Hon'ble Tribunal may fit and proper so that conscionable justice may be rendered to the applicant."

3. Brief facts of the case as narrated by the Ld. Counsel for the applicant is that pursuant to Order No. 1037 dated 02.04.2015 issued by the Chief Secretary, A&N Administration under Rule 10 Sub Rule (1) of the CCS (CCA) Rules, 1965



alleging that a disciplinary proceeding against the applicant is contemplated/pending for embezzlement of the Government money while he was working as Cashier in the Directorate of Tourism, A&N Administration, Port Blair, the applicant was put under suspension, which has been extended from time to time. Ld. Counsel for the applicant submitted that despite the several dates fixed for proceeding, the same could not be completed due to non-production of various communications and original documents relied on by the authorities. The applicant has also challenged the appointment of Respondent No.6 as second Inquiry Officer consequent upon transfer of first Inquiry Officer. In the meantime, vide order No. 3744 dated 11.12.2018, the suspension of the applicant was revoked by the Respondent No. 4 and as such the applicant reported for duty on 21.12.2018 forenoon before the office of Directorate of Shipping Services, A&N Administration, Port Blair. Ld. Counsel for the applicant submitted that alleging delay in conclusion of disciplinary proceeding and ventilating his grievance the applicant has preferred representation dt 30.11.2018 (Annexure-A/10) before Respondent No.4. He further submitted that grievance of the applicant may be redressed if Respondent No.4 is directed to consider the said representation as at Annexure-A/10 within a specific time frame.

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. 4 to consider the representation of the applicant as at Annexure-A/10, 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. It is made clear that till such time no further coercive action will be taken against the applicant. I make it clear that if in the meantime the said representation

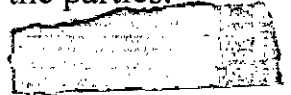
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has already been disposed of then the result thereof be communicated to the applicant within a period of two weeks.

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 with paperbook be transmitted to Respondent No. 4, 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

