



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CALCUTTA BENCH, CALCUTTA

O. A. No. 350/00

647

of 2019

IN THE MATTER OF:**PRODIP KUMAR MITRA,**

son of Late Anandamoy Mitra, aged about 71 years, worked as Lower Division Clerk in the office of the Directorate General of Commercial Intelligence and Statistics, 1, Council House Street, Kolkata- 70001 and residing at Flat No. 4, Loknath Apartment, 2, Government Colony, Post Office- Makhla, District- Hooghly, Pin-712245;

...Applicant

-Versus-

1. UNION OF INDIA service through the Secretary to the Government of India, Ministry of Commerce & Industry, Udyog Bhawan, New Delhi-110011.

2. THE DIRECTORATE GENERAL OF COMMERCIAL INTELLIGENCE AND STATISTICS, 1, Council House Street, Kolkata-700001;

3. THE SENIOR ACCOUNTS

Government of India, Regions

Accounts Office, Ministry of Commerce, 1

Council House Street, Kolkata- 700001.

4. THE DEPUTY DIRECTOR/HEAD OF OFFICE

OF DGCI&S, Government of India, Ministry of
Commerce and Industry, Department of
Commerce, Directorate General of Commercial
Intelligence and Statistics, 565, Anandapur,
Ward No. 108, Plot No. 22, Sector-1, Kolkata-
700107.

... Respondents.

Verd

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/350/647/2019

Date of Order: 26.06.2019

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

PRODIP KR. MITRA -VS- M/O COMMERCE

For the Applicant(s): Mr. P.C. Das, counsel
Ms. T. Maity, counsel

For the Respondent(s): Ms. D. Nag, counsel

ORDER (ORAL)

A.K. Patnaik, Member (J):

Heard Mr. P.C. Das, Ld. Counsel for the applicant, who submits that notice has been made sufficient.

2. As no-one appears on behalf of the Respondents and Ms. D. Nag, Ld. Counsel, who usually appears for the Union of India, is present in the Court, on my request, Mr. Das has served copy of the O.A., along with annexures, on her as I do not want the Official Respondents to go unrepresented. Heard Ms. D. Nag, in extenso.

3. This O.A. has been filed under Section 19 of the Administrative Tribunals Act, 1985 praying for quashing and setting aside of the impugned order being No. F.No.60(11)/2011-Estt.-I/Spq/5154 dated 20th/22nd March, Memorandum of Charge-Sheet dated 31.01.2005, along with Articles of Charges and impugned Memo dated 09.01.2006, Enquiry Report dated 13th July, 2009, advice of the Union Public Service Commission dated 18th February, 2009 and the Office Memo dated 15th June, 2010.

4. The case of the applicant, in nutshell, as submitted by Ld. Counsel, is that

V.A.P.

the applicant was initially appointed in the Indian Army w.e.f 1968 and retired on 1990 after serving for more than 21 years. Thereafter, he joined in the Department of Commerce in the office of Directorate General of Commercial Intelligence and Statistics as Lower Division Clerk w.e.f January 2001 and he retired as such on superannuation on 22.02.2005. Before his retirement, a Memorandum of Charge-Sheet along with Articles of Charges was issued against the applicant. The applicant submitted detailed application on 09.12.2005 and, the respondents department issued memo to the applicant on 09.01.2006. Thereafter, the Inquiry Officer issued Inquiry Report and the same was communicated to the applicant. Thereafter, advice of the Union Public Service Commission order was issued for imposing major penalty punishing of withholding 100% monthly pension for the period of 5 years and further withholding of 100% Gratuity on permanent basis of the applicant. Ld. Counsel for the applicant submitted that on 23.03.2010, this Tribunal passed an order in O.A 859/2010 directing the respondents not to recover any further amount of the applicant. On 15.06.2010, impugned office memo was issued imposing major penalty punishment, approved by the President of India, in respect of withholding 100% of monthly pension for the period of 5 years and further withholding 200% gratuity on permanent basis. On 12.09.2016, this Tribunal passed an order in O.A 882/2011. Subsequently, on 20/22.03.2018 impugned order being No. F.No.60(11)/2011-Estt.-I/Spq/5154 as conveyed in the Directorate's Memorandum dated 15.06.2010 has been passed without considering any of the observation made by this Hon'ble Tribunal. Ld. Counsel for the applicant submitted that ventilating his grievance, the applicant preferred representation on 01.05.2018 under Annexure-A/13 to re-consider the matter and to release the 100% pension and 100% DCRG for the period from 1st May, 2010 to 31st April 2015. He has also relied upon the orders passed by this Tribunal in O.A. No. 882/2011 (Annexure-A/8) and the orders passed in M.A. 54/2017 (Annexure-

W.A

A/11). Ld. Counsel further submitted that the grievance of the applicant may be redressed if Respondent No. 2 is directed to consider the said representation as at Annexure-A/13 keeping in mind the orders passed by this Tribunal under Annexure-A/8 and A/11 within a specific time frame.

5. 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. 2 to consider the representation of the applicant as at Annexure-A/13, if the same has been filed and is pending for consideration, keeping in mind the orders passed by this Tribunal (Annexure-A/8 and A/11) 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 if after such consideration the grievance of the applicant is found to be genuine and he is otherwise entitled then expeditious steps be taken within a further period of six weeks to grant him the benefits of DCRG. 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 a period of two weeks.

6. With the aforesaid observation and direction, this O.A. stands disposed of. No costs.

7. As prayed for by Ld. Counsel for the applicant, copy of this order, along with paperbook be transmitted to Respondent No. 2, for which, he undertakes to deposit the cost with the Registry within a week.

8. Copies of this order be handed over to the Ld. Counsel for the parties.

(A.K.Patnaik)
Member(J)

RK/PS