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CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

No. O.A. 350/01308/2015

Date of order: 9.9.2015

Present : Hon'ble Mr. Justice G. Rajasuria, Judicial Member  
Hon'ble Ms. Jaya Das Gupta, Administrative Member

Madhusudan Banerjee,  
Son of Late Saktipada Banerjee,  
Residing at J- 4/106/78, Saratpally,  
Mollar Gate, Kolkata - 700 142,  
Working as SPM at  
Rajabagan Dockyard Post Office,  
Kolkata - 700 044.

.. Applicant

- V E R S U S -

1. Union of India,  
Service through the Secretary,  
Ministry of Communication & Information  
Technology, Department of Posts,  
New Delhi - 110 001;
2. Chief Post Master General,  
West Bengal Circle, Jyogajog Bhawan,  
P-36, Chittaranjan Avenue,  
Kolkata - 700 012;
3. The Additional Director,  
Postal Services, Yogajog Bhawan,  
P-36, Chittaranjan Avenue,  
Kolkata - 700 012.
4. Sr. Superintendent of Post Offices,  
South Kolkata Division,  
Kolkata - 700 029.
5. Haradhan Nandy,  
Being the Enquiry Officer,  
Holding the post of  
Sr. Superintendent of Post Offices,



South Kolkata Division,  
Kolkata - 700 029.

.. Respondents

For the Applicant : Mr. A.K. Banerjee, Counsel  
Mr. P. Sanyal, Counsel

For the Respondents : Mr. P. Sharma, Counsel

O R D E R (Oral)

Per Mr. G. Rajasuria, Judicial Member:

Heard Ld. Counsel for both sides.

2. This O.A. has been filed seeking the following reliefs:-

“(a) An order directing the concerned respondent Nos. 3 and 4 to rescind, revoke, cancel and / or quash the Memo bearing No. FD6-01/SB-10/02-03/Disc- Madhusudan Banerjee dated 5.1.2015 (Annexure A-I) issued by the Respondent No. 4.

(b) An order directing the respondents to rescind / revoke and/or cancel the said order under Memo No. GD6-01/SB-10/02-03-Disc.- Madhusudan Banerjee dated 27.3.2015 (Annexure A-5) issued by the Respondent No. 4.

(c) An order directing the respondents to produce and/or transmit the entire records including the Daily Account Registrar, particularly for the date 11.7.2002 relating to the case of your applicant before this Hon'ble Tribunal.

(d) And to pass such other or further order or orders as your Lordship may deem fit and proper.”

3. The Ld. Counsel for the applicant Echoed the *cre de Coeur* of his client by placing reliance on the annexures appending to the O.A. that his client was punished by imposing the punishment of recovery of a sum of Rs. 6,00,000/- and odd without conducting



enquiry even though he insisted for conducting of the enquiry.

4. Accordingly, he would pray for the reliefs sought for in the O.A.

5. Per contra, the Ld. Counsel for the respondents would draw our attention of this Court to rule 20 of the AT Act and develop his argument that when statutory appeal is pending before the appellate authority the question of approaching CAT is a wellnigh impossibility and on that ground itself the O.A. has to be dismissed.

6. The point for consideration is as to whether during the pendency of the statutory appeal under the CCS (CCA) Rules, and that of in the wake of Section 20 of the AT Act, 1985, this O.A. can be entertained.

5. Indebutably and indisputedly the statutory appeal under the CCS (CCA) Rules preferred by the applicant is pending. However, the grievance of the applicant is that recovery is being effected every month to the tune of Rs. 10,000/- under the order of punishment but there is no progress in the appeal.

6. At this juncture, without going into the merits of the case we are of the view that when the statutory appeal is pending this O.A. should not have been filed.

7. Be that as it may, since the applicant expressed his grievance

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that the appeal has not yet been disposed of, we would like to issue the following direction to the appellate authority concerned to consider and dispose of the appeal by passing a reasoned and speaking order within a period of two months from the date of receipt of a copy of this order, being uninfluenced by any of the observations made in the O.A. The ultimate decision so taken in the appeal be communicated to the applicant immediately thereafter. As prayed by the applicant, the applicant is at liberty to pray before the appellate authority for stay of the order passed by the disciplinary authority, pending appeal and it is for the appellate authority to consider it on merits.

(Jaya Das Gupta)  
MEMBER(A)

(G. Rajasuria)  
MEMBER(J)

SP