

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

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No. O.A.350/00237/2016  
M.A.350/00470/2016

Date of order :23.09.2016

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

NIRMAL KUMAR MAITY  
VS.  
UNION OF INDIA & ORS.  
(POSTS)

For the applicant : Mr. A. Chakraborty, counsel  
For the respondents : Mr. B.B. Chatterjee, counsel

ORDER

Per Mr. Justice V.C. Gupta, J.M.

Heard Id. Counsel for the applicant and Id. Counsel for the respondents.

2. This O.A. has been filed challenging the charge sheet issued against the applicant. For ready reference the reliefs sought by the applicant are extracted herein below:-

"a) Charge sheet Memo No.FD4/A-2/5/2014-15 dated 23.02.2015 issued by Sr. Supdt. Of POs Midnapore cannot be sustained in the eye of law as the same was issued without verifying the facts from the Original records and therefore the same may be quashed;

b) Office Order dated 21.01.2016 issued by Director of Postal Services, South Bengal Region can not be sustained in the eye of law and as such the same may be quashed.

c) An order do issue directing the respondents to change the inquiry officer and thereafter to proceed into inquiry."

3. An order dated 21.01.2016 was passed by the Director of Postal Services, South Bengal Region, Kolkata which has been annexed as Annexure A-7 to the O.A. by which the point raised by the applicant

(O/A/2)

regarding biasness and not allowing him to obtain the additional documents has been decided.

4. As informed by Id. counsel for the respondents enquiry has already been concluded and thereafter a notice has been issued by Disciplinary Authority on 23.03.2016 to the applicant to show cause. In pursuance thereof the applicant has filed his reply on 09.04.2016, but the same could not be disposed of on account of the interim order passed by this Tribunal on 13.04.2016 which is still continuing. As the enquiry has been concluded the O.A. has become infructuous.

5. Accordingly we dispose of this O.A. as infructuous with a direction to the Disciplinary Authority to take into consideration all the points which the applicant raised in his reply to the show cause notice, pass a reasoned and speaking order and conclude the proceedings as per rules. The interim order stands vacated.

6. With these observations both the O.A and M.A. are disposed of. No order as to costs.

(J. Das Gupta)  
Administrative Member  
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(Justice V.C. Gupta)  
Judicial Member