

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH



No.O.A.350/00558/2015
M.A.350/00146/2015

Date of order : 12.01.2016

Present : Hon'ble Mrs. Bidisha Banerjee, Judicial Member
Hon'ble Ms. Jaya Das Gupta, Administrative Member

SWAPAN KR. ADHIKARI
VS.
UNION OF INDIA & ORS.
(POSTS)

For the applicants : Mr. K. Sarkar, counsel
For the respondents : Mr. P. Sharma, counsel

ORDER

Per Mrs. Bidisha Banerjee, J.M.

Heard Id. counsel for the parties.

2. The O.A.No.350/00558/2015 has been filed seeking the following reliefs:-

- i) to direct the respondents to cancel, withdraw and/or rescind the impugned chargesheet dated 14.12.2010; enquiry proceeding relating to the said chargesheet; Enquiry Report dated 06.02.2012 and order of punishment dated 12.10.2012; as contained in Annexure "A-1", "A-4", "A-5" & "A-7" herein respectively;
- ii) to direct the respondents to reinstate the applicant in service forthwith;
- iii) to direct the respondents to deal with and/or dispose of the appeal of the applicant dated 15.10.2012 in its letter and spirit as contained in Annexure "A-8" herein.
- iv) to direct the respondents to produce the entire records of the case before this Hon'ble Tribunal for adjudication of the issue involved herein;
- v) And to pass such further or other order or orders and/or direction or directions as to this Hon'ble Tribunal may deem fit and proper."

The M.A.No.350/0046/2015 has been filed for condonation of delay in filing the O.A.

3. It appears that the applicant has challenged the entire disciplinary proceeding against him starting from issue ^{and B} of the chargesheet. It is noticed that a statutory appeal was preferred by the applicant on 15.10.2012 against the punishment of his removal from service, imposed by the Director of Postal Service(M&SP), West Bengal Circle, Kolkata-12 on 12.10.2012, which has not been disposed of by the Appellate Authority.

4. In view of the fact that the appeal against the punishment order is still pending, we direct the Appellate Authority to consider and dispose of the appeal dated 15.10.2012 in accordance with law within a period of two months from the date of communication of this order. It is made clear that we have not expressed our opinion on the merits of the case. All the points are kept open for consideration by the respondents.

5. Accordingly both the O.A. and M.A. stand disposed of. No costs.

(J. Das Gupta)
Administrative Member

(B. Banerjee)
Judicial Member

s.b