

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

No. OA 350/01431/2015

Date of order : 28.9.2015

Present: Hon'ble Ms. Bidisha Banerjee, Judicial Member  
 Hon'ble Mr. R.Bandyopadhyay, Administrative Member

TAPAN KUMAR MAHANTY

VS

UNION OF INDIA &amp; ORS.

For the applicant : Mr.A.Chakraborty, counsel  
 Mr.N.Roy, counsel

For the respondents: Ms.D.Nag, counsel

O R D E R (ORAL)

Ms.Bidisha Banerjee, J.M.

Heard the ld. Counsels for the parties.

2. It is noticed that representations have been preferred on 7.10.14 and 13.8.15 before the Supdt. of Post Offices, Purulia Division by the applicant, against the suspension order issued by the Director of Postal Services, South Bengal Region dated 8.4.13. The applicant has sought for revocation of suspension and enhancement of suspension allowance since the period of suspension has exceeded 90 days and in terms of FR 53(1)(a)(i), <sup>as</sup> he is entitled to enhancement of the said amount. Ld. Counsel for the applicant has drawn our attention to the decision rendered by the Hon'ble Apex Court in Ajay Kumar Choudhary (Civil Appeal No. 1912/15) on 16.2.15 and the DOPT OM dated 3.7.15 which says that "where a Government servant is placed under suspension on the ground of contemplated disciplinary proceedings, every effort would be made to finalize the charges against the Government servant within three months of the date of suspension."

3. Ld. Counsel for the applicant submits that he shall be satisfied if a direction is given to the respondents to consider the matter in accordance with the judgment of the Hon'ble Apex Court and the DOPT OM dated 3.7.15.

Ld. Counsel for the respondents has no objection if such an order is passed.

4. In such view of the matter and in the interest of justice, we dispose of the OA with a direction upon the respondent No.2 or any other competent authority to consider the matter appropriately in the light of the decision and DOPT instruction referred to above and pass an appropriate reasoned and speaking order within one month from the date of receipt of the copy of this order. In case nothing stands in the way, the authority shall take a decision in the matter in regard to revocation of suspension in terms of the judgment of the Hon'ble Apex Court and the DOPT instruction and pass an appropriate order.

5. The OA is accordingly disposed of. No order is passed as to costs.

(R.BANDYOPADHYAY)  
MEMBER (A)

(BIDISHA BANERJEE)  
MEMBER (J)

in