

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. MA 350/00315/2015 Date of order : 28.9.2015
 (TA 350/00001/2014)
 (WP 13292/W/2013)

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

TAPAS KR. DAS

VS

UNION OF INDIA & ORS.

For the applicant : Mr.A.Chatterjee, counsel

For the respondents: Mr.L.K.Pal, counsel

O R D E R (ORAL)

Ms.Bidisha Banerjee, J.M.

Heard the Id. Counsels for the parties.

2. MA is allowed. The order dated 25.6.2015 passed in the TA is recalled.

The matter is restored to its file and number.

3. Copies of the judgment cited by the Id. Counsel for the respondents is taken on record.

4. It is noticed that the applicant was charge sheeted on 29.12.11 with the indictments as follows :

"You have raised serious allegations against the senior executive as well as the Head of the Organisation in a very derogatory and abusive language vide your letter dated 28.12.11. From the records, it is found that you are in the habit of writing obnoxious and filthy letters against your higher ups that too without any valid reasons, thereby creating unnecessary nuisance and lowering the reputation of the company.

The above act on your part constitutes a serious misconduct as per the clause Nos. 25(xi) & 25 (xix) of the Certified Standing Orders of IISCO Steel Plant, Burnpur.

Since the charges levelled against you are serious in nature, you are hereby placed under suspension with immediate effect pending enquiry and decision thereof. During the period of suspension, you will not be allowed to enter the Works/School premises and will not leave station without prior permission of the management. You are required to hand over your photo identity card to the undersigned. During the period of suspension, you will be entitled to subsistence allowances as per rules. You should not engage yourself in gainful employment, business or vocation during the period of suspension. A declaration to this effect has to be submitted by you at the end of each month to Asst. Mgr. (F) TO along with your permanent and local address for further correspondence in the matter."

5. The applicant admitted on 6.1.12 (Annexure R/6 to the reply) that

"the language used in my letter dated 28.12.11 was not intended at hurting the sentiments of the HOD and the Head of the Organisation. I do feel I should have been more careful about the diction that allegedly figures in my letter stated above. Hence I express my heartfelt regret to this effect if your dignity was violated in any way."

6. He was found guilty of the charges levelled and he was punished with "stoppage of his one increment with cumulative effect".

7. The applicant has challenged the proceedings on the ground of non-disclosure of list of documents and list of witnesses by which charges were proposed to be sustained.

8. Ld. Counsel for the respondents submitted that in view of his clear admission of guilt vide his representation dt. 6.1.12 the applicant deserved punishment and was rightly punished.

9. In our considered opinion having admitted the charge the applicant could not raise a hue and cry in regard to not furnishing list of documents and witnesses. He could not disprove the fact alleged.

10. Therefore we direct the authorities to release the admissible retirement dues to the applicant within three months from the date of communication of this order.

11. The OA is accordingly disposed of.

12. No order is passed as to costs.

(R.BANDYOPADHYAY)
MEMBER (A)

(BIDISHA BANERJEE)
MEMBER (J)

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