

ITEM NO.36

COURT NO.7

SECTION XVI

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 7291/2017

(Arising out of impugned final judgment and order dated 15/11/2016 in WPCT No. 239/2016 passed by the High Court Of Calcutta)

NIRMAL KUMAR MAITY

Petitioner(s)

VERSUS

UNION OF INDIA AND ORS.

Respondent(s)

(with interim relief and office report)

Date : 20/03/2017 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MRS. JUSTICE R. BANUMATHI

For Petitioner(s) Mr. P. C. Das, Adv.
Mr. Sukesh Ghosh, Adv.
Ms. Shashi Kiran, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following
O R D E R

On the show cause notice dated 23.03.2016, the petitioner has filed a detailed reply on 09.04.2016. Taking note of the above circumstances, the Central Administrative Tribunal (CAT) disposed of the application with the following direction :-

".....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."

We fail to understand why the said order has been challenged before the High Court. It is the contention of the petitioner that his request for change of Inquiry Officer on the ground of bias was pending before the Inquiry Officer and despite that only, the Inquiry Report was finalised. All these contentions, the petitioner has taken in the show cause. Therefore, in view of the order passed by CAT, which we have extracted above, the competent authority has to pass a reasoned order.

In that view of the matter, we do not feel it necessary to entertain this Special Leave Petition. Hence, this Special Leave Petition is disposed of with a direction to the competent authority to pass appropriate orders in terms of the order passed by CAT, uninfluenced by any of the observations made by the High Court in the impugned Judgment.

Pending interlocutory applications, if any, stand disposed of.

(Jayant Kumar Arora)
Court Master

(Renu Diwan)
Assistant Registrar