

Item- 07-07-2021
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WP.CT 32 of 2020

sg Ct. 16
Amarjit Singh
Versus
The Union of India & Ors.

(Through Video Conference)

Mr. Sanjib Mal, Adv.
Mr. N.P. Biswas, Adv.
Mr. Soumen Bhattacharjee, Adv.
...for the petitioner

Mr. Madan Murari Verma, Adv.
Mr. Arijit Majumdar, Adv.
...for UOI

We have heard the learned Counsel for the parties. We have also perused the order forming the subject matter of challenge in this writ petition.

It appears from the impugned order that the learned Tribunal in the judgment has referred to the submissions made on behalf of the parties with reference to their pleadings and thereafter, referred to few decisions of the Hon'ble Supreme Court and without considering the submissions made on behalf of the writ petitioners that there is no misconduct per-se dismissed the original application only on the ground that the penalty imposed is not shockingly disproportionate to the allegations levelled and proved. The argument of the writ petitioner that there has been no willful omission and commission on his part and the punishment imposed is not sanctioned by the relevant CCS Rules have not been considered by the learned Tribunal.

We find that the Tribunal has not applied its mind to the submissions made on behalf of the writ petitioners in deciding the matter. Upto paragraph 15 of the impugned judgment are recording of submissions and reference of case laws without there being any discussion as to the applicability of the rationers decidendi of such decisions to the facts of the case. Moreover, it is not in dispute that the enquiry officer has exonerated the writ petitioner from all the charges.

On such consideration, we feel that the matter should be remanded to the learned Tribunal for fresh consideration.

The learned Counsel for the writ petitioner submits that the writ petitioner may be permitted to file a supplementary affidavit to bring on record certain facts.

The learned Tribunal shall consider such prayer if made before the learned Tribunal.

The impugned order is set aside.

The learned Tribunal shall decide the matter afresh being uninfluenced by its previous decision. All points are kept open to be considered by the learned Tribunal.

We request the learned Tribunal to decide the matter as expeditiously as possible.

All parties shall act on the basis of the server copy of this order duly downloaded from the official website of this Court.

(Hiranmay Bhattacharyya, J.)

(Soumen Sen, J.)