

24.01.2024
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WPCT 191 of 2023
Union of India & Others
– *Versus* –
Shri Gour Gopal Ghosh

Mr. Apurba Kumar Ghosh
... for the Petitioners/UoI.

Mr. Barun Chatterjee
.... for the Respondent.

The present writ petition has been preferred against an order dated 15th March, 2022 passed by the learned Tribunal in O.A. No.350/00080/2022. By the order impugned in this writ petition, the learned Tribunal directed the respondents/petitioners (hereinafter referred to as the petitioners) to extend all the consequential benefits in terms of the order dated 15th January, 2021 whereby and whereunder the prayers made in OA 350/1276/2014, OA 350/1660/2014 and OA 1270 of 2015 were allowed.

Bereft of unnecessary details, the facts forming the subject matter of this writ petition are that three disciplinary proceedings were initiated against the respondent and three different charge-sheets were issued against him. Challenging the said three charge-sheets and seeking other allied reliefs, the respondent preferred three different original applications, being OA 350/1276/2014, OA 350/1660/2014 and OA 1270 of 2015.

All these three original applications were disposed of by a common order dated 15th January, 2021 whereby the orders passed by the disciplinary authority and the appellant authority were quashed with liberty to the petitioners to act in accordance with law.

In the midst thereof, the respondent retired from service on attaining the age of superannuation and the petitioners have released his retirement benefits without putting him in his original pay scale and the petitioners have also withheld certain amounts from his retirement benefits in terms of the orders of disciplinary authority.

Aggrieved thereby, the respondent approached the learned Tribunal by preferring another original application, being O.A. No.350/00080/2022. Upon contested hearing, the same was disposed of by an order dated 15th March, 2022 directing the petitioners to extend all the consequential benefits in terms of the order dated 15th January, 2021 whereby and whereunder the prayers made in OA 350/1660/2015, OA 350/1276/2014 and OA 1270 of 2015 were allowed.

The writ petitioners have challenged the said order dated 15th March, 2022 in this writ petition.

Mr. Ghosh, learned advocate appearing for the petitioners submits that although by the order dated

15th January, 2021 the learned Tribunal directed the respondents to act in accordance with law but in the order dated 15th March, 2022 passed in O.A. no. 350/00080/2022, the petitioners have been directed to extend all consequential benefits in terms of the order dated 15th January, 2021. He submits that since the respondent has retired from service, the petitioners are not in a position to initiate any fresh disciplinary proceeding against him. He submits that this issue have been glossed over by the learned Tribunal and no specific finding has been returned on this issue.

Mr. Chatterjee, learned advocate appearing for the respondent riposted the claims of Mr. Ghosh. He further submits that a punishment of reduction in a lower stage was awarded to the respondent and the petitioners withheld the amounts being Rs.70,240/- and 65,000/- and since despite having no orders of penalty, aforesaid amounts have been withheld illegally and the pay scale has not been restored, the respondent approached the learned Tribunal with a prayer for directions upon the petitioners to restore the respondent's pay scale, release all consequential benefits, calculate the respondent's pension accordingly and release all arrears mounted up till the date of disbursement. He further submits that respondent made further prayer for a direction to

release the amounts withheld by the petitioners along with interest.

He argues that the order under challenge in this writ petition needs to be affirmed and there is no scope to interfere with the same.

Heard the learned advocates appearing for the respective parties. Considered the materials on record.

Since without affording any opportunity to defend, the punishments were imposed upon the respondent in all the disciplinary proceedings initiated against him, the learned Tribunal quashed the orders of the disciplinary authority and the orders passed by the appellate authority and directed the petitioners to act in accordance with law. The order passed by the learned Tribunal on 15th January, 2022 has attained finality between the parties. In the meantime, the petitioners have allowed the respondent to retire and all retiral benefits have been released in favour of him.

The learned Tribunal upon dealing with all factual issues arrived at specific findings and directed the petitioners to extend all consequential benefits in terms of the order dated 15th January, 2021. We do not find any error, least to say any patent error of law in the order impugned. The order does not suffer from any jurisdictional error warranting interference of this Court.

Consequently, the writ petition is dismissed, however, without any costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties, upon compliance of all requisite formalities.

(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, J.)