

W.P.C.T. 27 of 2025

**Ajoy Kumar Nath
Vs.
Union of India & Ors.**

Ms. Debjani Sengupta,
Mr. Iresh Paul,
Ms. Paulomi Ghosh

...for the Petitioner

Mr. Biswapriya Samanta,
Mr. Priyankar Ganguly

...for the Respondent Nos.1 to 4

1. Heard the learned counsel for the petitioner and the learned counsel for the respondents.
2. The learned counsel for the petitioner submits that a departmental proceeding was initiated against the petitioner vide charge memo dated 21.08.2023. In the proceedings, the Enquiry Officer has assumed the role of the Presenting Officer. There was no Presenting Officer appointed to conduct the proceedings. She also submits that petitioner was not allowed to cross-examine the witnesses. The issue was raised before the Central Administrative Tribunal, Kolkata Bench (*hereinafter referred to as 'the C.A.T.'*) which has rejected the Original Application bearing O.A. No. 667 of 2022 on the ground that final order in the disciplinary proceeding has not been passed by

the disciplinary authority. The order of the C.A.T. is dated 15.05.2024.

3. Thereafter, she submits that the disciplinary authority has passed the final order in the departmental proceedings on 03.06.2024 which has been assailed by the petitioner in appeal. The appeal is said to be filed on 18.06.2024.
4. The learned counsel for the petitioner submits that by now it is trite that the Enquiry Officer discharges a quasi-judicial function when considering the charge memo against an employee. If the Enquiry Officer arrogates upon himself, the duty of the Presenting Officer, then such a procedure cannot withstand the test of fairness and the enquiry would stand vitiated. These issues have been raised by the petitioner in the appeal which is pending before the appellate authority.
5. Since the petitioner has elected the forum of appeal and an appeal is pending wherein these grounds have been urged, it is needless to say that it is obligatory on the part of the appellate authority to consider the issues in accordance with law.
6. Reserving the petitioner's liberty to approach the C.A.T. against the order of the appellate authority,

if it is passed against the petitioner, we dispose of the Writ Petition.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)