

W.P.C.T. 165 of 2023
With
CAN 1 of 2025

Soumyendra Nath Banerjee
Vs.
Union of India & Ors.

Mr. Biswaroop Bhattacharya,
Ms. Reshmi Ghosh,
Ms. Parna Mukherjee

...for the Petitioner

Mr. Partha Ghosh,
Mr. Madhu Jana

...for the Union of India

1. Heard the learned counsel for the writ petitioner and the learned counsel for the respondents.
2. The writ petitioner approached the Central Administrative Tribunal, Kolkata Bench (hereinafter referred to as the 'C.A.T.') by filing an Original Application, being aggrieved by a memorandum of charges dated 27.12.2019; and the orders passed by an enquiry officer dated 29.01.2021 and 02.03.2022. The petitioner's O.A. was rejected by the C.A.T. by an order dated 27.06.2023.
3. The petitioner is before this Court assailing the order of the C.A.T. dated 27.06.2023 passed in O.A. No. 572 of 2022.
4. During the pendency of the present writ proceedings, the petitioner was allowed an opportunity of submitting his comments against

the report of the enquiry officer, and after submission of such comments a final order has been passed by the disciplinary authority on 24.04.2025 in the following terms:

“9. AND NOW THEREFORE, on the basis of the allegations levelled in the Charge Memo, representation of CO thereon, the findings of IR, the representation of the CO thereon, the advice tendered by UPSC, representation of CO thereon and all other facts and circumstances of the case, the President, the Disciplinary Authority, accepts the advice of UPSC and orders imposition of penalty of *“withholding of thirty per cent (30%) of his monthly pension for a period of five (05) years”* on the CO, Shri S. N. Banerjee. The penalty now being imposed would be over and above the penalty of *“withholding of 20% (twenty percent) of monthly pension for a period of 5(five) years.”* issued vide this office F.O.No.8-3/2016-Vig.II dated 16.11.2022. His gratuity may be released, if not otherwise required.

10. The receipt of the Order shall be acknowledged by Shri S.N. Banerjee (Staff No. 8167), the then GM, Krishnagar SSA, BSNL, West Bengal Circle and now retired as GM(S&M), CTD BSNL, Kolkata.”

5. The order of the disciplinary authority inflicting the punishment, extracted above, has not been assailed by the writ petitioner before the C.A.T.

6. The law by now is well-settled, as is apparent from Judgement of the Hon'ble Apex Court in the case of ***L. Chandra Kumar Vs. Union of India & Ors.*** reported in **(1997) 3 SCC 261** and reiterated subsequently in the case of ***Rajeev Kumar & Anr. Vs. Hemraj Singh Chauhan & Ors.*** reported in **(2010) 4 SCC 554** that for assailing such orders in respect of service matters, the C.A.T. continues to be the Court of first instance.
7. If the petitioner is aggrieved by the reasoned decision of the disciplinary authority which was not subject matter of the proceedings before the C.A.T; and originally before this Court in the writ proceedings, it is open to the writ petitioner to assail the order before the appropriate forum in accordance with law.
8. Reserving such liberty of the petitioner, we dispose of the writ petition. While disposing of the writ petition, we consider it appropriate to record that the order may not be considered to be an expression of opinion on the merits of the matter.
9. At this juncture, the learned counsel for the petitioner makes a prayer that the disciplinary authority's order may be stayed.
10. We are not inclined to entertain such prayer.
11. The Writ Petition is disposed of.

12. Lastly it is prayed by the learned advocate for petitioner that the Court may fix a timeframe for the C.A.T. to conclude the proceedings.
13. We are not inclined to do so, as till now the petitioner has not invoked the jurisdiction of the C.A.T. Even otherwise, it will not be proper for us to fix a timeframe.
14. We only observe that in the event the petitioner invokes the jurisdiction of the C.A.T., it is expected that the C.A.T. shall proceed in the matter expeditiously.

(Madhuresh Prasad, J.)

(Biswaroop Chowdhury, J.)