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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH, KOLKATA.

O.A. No. 350/ 0078 of 2020

In the matter of:

Mohiuddin Ahmed, son of Late Md.
Nurul Huda, aged about 54 years,
by Occupation- Loco Pilot
(P)/E/HWH, permanent resident of
Village-Karandi, P.O.-Masundi,
P.S.-Bharatpur, District-
Murshidabad-742311.

... Applicant/Petitioner.

-Versus-

1. Union of India through the
General Manager, Eastern
Railway, Fairlie Place, Kolkata,
Pin Code- 700001.

2. The Senior Divisional
Electrical Engineer (OP),
Howrah Division, Eastern
Railway, Howrah-711101.

3. Mr. K. K. Ray, Assistant
Electrical engineer (OP) -Cum-
Inquiry Officer, Eastern Railway,
Howrah-711101.

... Respondents.

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**

O.A/350/78/2020

Date of Order: 27.01.2020



**Coram: Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member**

Mohiuddin Ahmed.....Applicant

Vrs.

Union of India & Ors.....Respondents

For The Applicant(s): Mr. A.Chakraborty & Ms. P.Mondal, Counsel

For The Respondent(s): Mr. N.D.Bandyopadhyay, Counsel

ORDER (ORAL)

Ms. Bidisha Banerjee, Member (J):

Heard Ld. Counsels for both the parties.

2. The applicant has moved this O.A. to seek the following reliefs:

"A) Charge Memorandum being No. E/2/TRO/HWH/2019/12 dated 20.11.2019 issued by the respondent No.2 is not tenable in the eye of law and as such the same may be quashed.

B) Cost and Incidental.

C) Such further Order/Orders and/or direction/directions..."

3. Ld. Counsel for the applicant submits that replying to the Memorandum of Charges the applicant has preferred representation before the Disciplinary Authority on 28.12.2019, which is still pending for consideration.

4. Since the representation dated 28.12.2019 has been preferred to the Disciplinary Authority, i.e. Sr. D.E.E. (OP), Howrah Division, and the applicant by

way of such representation has asked for listing some witnesses in the charge sheet dated 20.11.2019 and has also made certain prayers, the same requires to be gone through by the Disciplinary Authority himself.



5. Ld. Counsel for the respondents, at this juncture, submits that the date of inquiry was already fixed today and the applicant did not appear before the Inquiry Officer.

6. Since the representation has been preferred by the applicant before the Disciplinary Authority alleging some irregularities in framing the charges and listing the witnesses, we dispose of this O.A. with direction upon the Disciplinary Authority, i.e. Sr. D.E.E. (OP), Howrah Division, to consider the aforesaid representation and dispose of the same with a speaking order under intimation to the applicant within a period of four weeks and, till such time, respondents are directed not to proceed with the inquiry.

7. Urgent certified copies of this order be given to Ld. Counsels for both the parties.

8. With the aforesaid observation and direction, the O.A. stands disposed of with no order as to costs.

(Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member (J)

RK

(a) Sl. No. of the appln.
 (b) Name of the applicant.....
 (c) Dt. of presentation or
 application for copy.....
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5/2/2020