

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**



O.A/350/102/2015

Date of Order: 05.02.2020

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

Dr Prabir Kishore Chakraborty, son of Prafulla
Kishore Chakraborty, residing at 101A Majher
Para Road, Kolkata – 700063.

.....Applicant

Vrs.

1. The Union of India service through the Secretary, Ministry of Health and Family Welfare, Nirman Bhawan, New Delhi – 110001.
2. The Director, Chittaranjan National Cancer Institute under Ministry of Health and Family Welfare, Government of India, of 37, S.P. Mukherjee Road, Kolkata – 700026.

.....Respondents

For The Applicant(s): Mr. P.K.Pakrashi, Counsel

For The Respondent(s): Mr. H.S.Chakraborty, Counsel

O R D E R (O R A L)

Ms. Bidisha Banerjee, Member (J):

Heard Ld. Counsels for both the parties.

2. This O.A. has been preferred by the applicant to seek the following reliefs:

- "a) Your Lordships pass an order directing the respondents authority to show cause as to why the order dated 18.10.2013 should not be set aside/or cancel/or quashed restated his service.
- b) Direction upon the respondent to pass an order to continue in service of your applicant and to pass an order to full benefits and the arrear dues and to allow to continue the research work for benefit of the nation, for the treatment of cancer in India or to pass any other order or orders as your Lordships may deem fit and proper."

3. Brief facts of the case leading to this O.A. are that the applicant was appointed at Jr. Scientific Officer in the Department of Tumor Immuno Biology on 27.10.1986 and, subsequently, he was promoted as Sr. Scientific Officer. He was granted study leave of one year w.e.f. 18.08.1997 to undertake post-doctoral training from USA. The grievance of the applicant is that although he applied for extension of study leave but the authorities remained silent. After completion of granted leave period, he could not join his duties due to various ailments. In support of his arguments, along with this O.A. he has filed copies of the medical certificates, fax message and representations sent to the respondent authorities. Applicant was issued with a charge sheet dated 13.07.2013 (Annexure-A/6), which was replied to by the applicant but vide order dated 18.10.2013 (Annexure-A/7) he was issued with deemed resignation order. Ld. Counsel for the applicant submitted that the applicant preferred an appeal dated 27.12.2014 (Annexure-A/8 to the O.A.), which has not yet been responded to by the authorities.

4. At this juncture when the appeal of the applicant is stated to be pending for consideration, without entering into the merits of the matter, we would direct the appropriate authority to consider and dispose of the appeal of the applicant dated 27.12.2014 (as at Annexure-A/8) within a period of three months from the date of receipt of a copy of this order and result thereof be communicated to the applicant.

5. O.A. is disposed of accordingly. There shall be no order as to costs.


(Nandita Chatterjee)
Member (A)


(Bidisha Banerjee)
Member (J)

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