

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**

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O.A/350/592/2020

Date of Order: 21.10.2020

Coram: Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Mr. Tarun Shridhar, Administrative Member

NEMAI BOSE, son of Late Jiban Kumar Bose, aged about 60 years, worked as Chief Athletics Coach, posted at STC Bhopal, Madhya Pradesh, residing at 3 No. Bijay Nagar near 3 No. Boys School, P.O & P.S Naihati, District 24 Parganas (North) Pin 743165.

--Applicant

-vs-

1. Union of India, service through the Secretary, Sports of Authority of India, Ministry of Youth Affairs & Sports, Jawaharlal Nehru Stadium Complex, East Gate, Lodhi Road, New Delhi - 110003.
2. The Director General, Sports of Authority of India, Jawaharlal Nehru Stadium Complex, Lodhi Road, New Delhi - 110003.
3. Deputy Director (Vig), Sports of Authority of India, Jawaharlal Nehru Stadium Complex, East Gate, Lodhi Road, New Delhi - 110003.
4. The Regional Director, Sports of Authority of India Central Region, Gram Gora Bhishkenkeri Suraj Nagar, Bhopal, Madhya Pradesh, pin - 462044.

--Respondents.

For The Applicant(s): Mr. T. K Biswas, counsel
Mr. Arpa Chakraborty, counsel
For The Respondent(s): Mr. S. Bhattacharya (proxy counsel)

ORDER (ORAL)

Per: Ms. Bidisha Banerjee, Member (J):

Heard ld. counsel for the applicant. Ld. proxy counsel appears on behalf of Mr. D. N. Roy, ld. counsel for the respondents.

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

"8.a) An order directing the respondents to quash/set aside the Charge Sheet dated 5.6.2020 (Annexure A-1) and thereafter release the retirement benefits (i.e. full pension, Gratuity and Leave and



encashment) with 12% interest for delay payment in favour of the applicant.

b) An order directing the respondents to apply the above mentioned two Judgements in this case and also give the benefits of the Judgement because two cases are similar situated case of the applicant's matter.

c) Any such other order or orders as to this Hon'ble Tribunal may deem fit and proper."

3. In this O.A, the applicant has ^{availed} a belated initiation of a disciplinary proceeding.

4. At hearing, ld. counsel for the applicant would seek liberty to file a comprehensive representation to the Disciplinary Authority, alleging the initiation of proceeding after a long considerable delay and to bring to the notice of the Disciplinary Authority that the complainant was compelled to file complaint against the applicant and till disposal of representation to say the ongoing proceeding.

5. In view of such, we are of the considered opinion that it would be expedient in the interest of justice, if the applicant is permitted to prefer a comprehensive representation to the competent authority, to challenge the delayed initiation of proceedings, etc., annexing relevant documents he wishes to cite in support, within a period of 3 weeks from the date of receipt of a copy of this order. In the event such representation is preferred, the Disciplinary Authority shall consider it, dispose it of issuing an appropriate order in accordance with law, within a period of 4 weeks from the date of receipt of such representation.



5. It is made clear that we have not entered into the merits of the matter and therefore all the points to be raised in the representation shall be open for consideration.

6. However, till such representation is considered and disposed of, let there be no final order passed in the ongoing departmental proceedings.

7. The present O.A accordingly stands disposed of. No costs.



(Tarun Shridhar)
Member (A)

(Bidisha Banerjee)
Member (J)

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