

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**

LIBRARY

No. O.A. 350/00277/2020

Date of order: 8.7.2020

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

LABONI ROY CHOWDHURY (GHOSH)
W/O Sri Satyajit Ghosh,
Worked as Upper Division Clerk
(now compulsory retired as per
punishment order dated 10.06.2019)
residing at Chowdhury Villa,
Kshetrehari Chatterjee Road,
Chatterjee Road, P.O. Ghola (Old PO)
North 24 Pgs, Kolkata – 700111.

..... Applicant.

Versus

1. The Secretary,
Govt of India,
Ministry of Mines, Shastri Bhawan,
Dr. Rajendra Prasad Road,
New Delhi – 110001.
2. The Director General,
Geological Survey of India,
27, J.L. Nehru Road,
West Bengal,
Kolkata – 700016.
3. The Addtl. Director General & HOD,
Geological Survey of India (Eastern Region)
Block-DK-6, Sector-II,
Salt Lake City, Karunamayee,
Kolkata – 91.
4. Dy. Director General
Geological Survey of India (Eastern Region)
Block-DK-6, Sector-II,
Salt Lake City,
Karunamayee,
Kolkata – 91.
5. Administrative Officer,
Geological Survey of India (Eastern Region)
Block-DK-6, Sector-II,
Salt Lake City, Karunamayee,
Kolkata – 91.

..... Respondents.



For the Applicant : Mr. B. Chatterjee, Counsel

For the Respondents : Ms. D. Nag, Counsel

O R D E R (Oral)

Per Dr. Nandita Chatterjee, Administrative Member:

Being aggrieved with the disciplinary proceedings culminating in an order of compulsory retirement as well as declaration of her period of absence as dies non, the applicant has approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985, and would pray for the following relief:-

- (i) To set aside and quash the charge memorandum dated 31.4.2018 (Annexure A-5), impugned Punishment Order dated 10.6.2019 (Annexure A-10), Order dated 6.8.2019 (Annexure A-12).
- (ii) To direct the Appellate Authority to dispose of the Appeal dated 24.7.2019.
- (iii) Allow the applicant to join his service forthwith.
- (iv) Certify that transmit the entire records and papers pertaining to the applicant's case so that after the cause shown thereof conscientious justice may be done unto the applicant by way of grant of reliefs as prayed for in (i) to (iii), above.
- (v) Pass such other order/orders and/or direction/directions as deemed fit and proper.
- (vi) Costs."

2. The applicant's submissions, as canvassed through her Ld. Counsel is that, the father of the applicant had died in harness on 16.3.1991, whereafter, she was engaged as a Contingent Worker on 3.9.1992 on compassionate ground. The applicant was appointed as an LDC on 21.3.1996 and promoted to the post of UDC on 10.1.2012.

The applicant, however, started suffering from liver problems and was advised to take rest for the period from 1.6.2017 to 30.9.2017 and from 1.6.2018 to 7.6.2018 respectively. She was ultimately declared fit for duty w.e.f. 8.8.2018 and, as advised by the respondent authorities, submitted leave applications for grant of leave for the relevant period.

A charge-memorandum, however, was issued against the applicant on 31.10.2018 on the grounds of unauthorized absence and the Enquiry officer, upon completion of enquiry, held that the charges stood proved. The



Disciplinary authority, thereafter, imposed a punishment of compulsory retirement vide his orders dated 10.6.2019 and the period of absence was declared as dies non by the said authority.

Although the applicant had preferred an appeal before the appellate authority on 24.7.2019, the same remains pending till date, and, Ld. Counsel would urge that a direction be issued to the appellate authority to dispose of the same in a time bound manner.

3. Ld. Counsel for the respondents does not object to disposal of such appeal in accordance with law.

4. Accordingly, without entering into the merits of the matter, and, with the consent of the parties, we hereby direct the appellate authority, who reportedly, is respondent No. 2, namely, the Director General, GSI, West Bengal, Kolkata, or the designated appellate authority, to dispose of the appeal dated 24.7.2019 (Annexure A-14 to the O.A.) within 12 weeks from the date of receipt of a copy of this order. The said appellate authority will decide in accordance with law, and convey his decision in the form of a reasoned and speaking order to the applicant forthwith thereafter.

5. With these directions, the O.A. is disposed of. No costs.



(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

SP