

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH  
KOLKATA

LIBRARY

OA. 350/923/2020

Date of order: 11.11.2020

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

Swarup Modak,  
S/o Raj Kumar Modak,  
Aged about 45 years,  
removed from service while working as Helper  
under the overall control of Divisional Railway  
Manager, Eastern Railway, Howrah at present  
residing at 12/1, Lal Mohan Mukherjee Street,  
Bally Municipality, Belur Math, Howrah,  
West Bengal, Pin – 711 202.

..... Applicants.

-Versus-

1. Union of India  
Though General Manager,  
Eastern Railway,  
Fairlie Place,  
Kolkata – 700 001.
2. Divisional Railway Manager,  
Eastern Railway,  
Howrah – 711101.
3. Sr. Divisional Engineer (Cordn.),  
Eastern Railway,  
Howrah – 711101.
4. Divisional Engineer (1)  
Eastern Railway,  
Howrah – 711101.
5. Assistant Engineer (Works)  
Eastern Railway,  
Howrah – 711101.

..... Respondents.



For the Applicant : Mr. C. Sinha, Counsel

For the Respondents : Mr. B.P. Manna, Counsel

ORDER (Oral)

Per Ms. Bidisha Banerjee, JM:

Heard counsels.

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

- "8.a) To set aside and quash impugned suspension order no. 3903/AEN/SM dated 16.04.2018 and consequent extension of the said suspension vide orders dated 30.07.2018 and 12.10.2018.
- b) To set aside and quash impugned Charge Memorandum no. 3903/AEN/SM dated 29.06.2018 issued by the AEN(W), Eastern Railway, Howrah.
- (c) To set aside and quash impugned Enquiry Report dated 05.01.2019 as served under covering letter dated 05.01.2019 alongwith the punishment order dated 09.01.2019.
- (d) To set aside and quash impugned Removal Notice No. 3903/AEN/SM dated 09.01.2019 and Speaking Order imposing the punishment of removal from service with immediate effect dated 05.01.2019 issued by the Assistant Engineer (Works), Eastern Railway, Howrah.
- (e) To direct the respondents to reinstate your applicant in his former post of Helper forthwith with all consequential benefits alongwith back wages.
- (f) To direct the respondents to treat the period of suspension beyond 90 days as on service with full pay and allowances by regularizing the same.
- (g) Any other order or orders as the Hon'ble Tribunal deems fit and proper."

3. Ld. Counsel for respondents submit that appeal has been preferred on 05.01.2019 has already been disposed of by an order dated 07.02.2020 by the Appellate Authority, namely, Divisional Engineer(I), Eastern Railway, Howrah.

4. Ld. Counsel for applicant seeks liberty to challenge the same. However, he also asked for original copy of the order of the Appellate Authority.



5. Ld. Counsel for respondents to hand over a legible copy of the order of Appellate Authority to the Ld. counsel for applicant to enable him to come up afresh.

6. The present OA accordingly stands disposed of. No costs.

*(Nandita Chatterjee)*  
Member (A)

*(Bidisha Banerjee)*  
Member (J)

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