

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**LIBRARY**

No. O.A. 350/00928/2020

Date of order: 20.11.2020

Present : Hon'ble Dr. Nandita Chatterjee, Administrative Member

Gobinda Paine,
 S/o Late Netai Paine,
 Residing at Vill & P.O. Maslandapur, Dist.
 24 Pgs.,
 Pin - 743289
 Working as Loco Pilot Shunt (ii)Barasat
 working under CCC/R/DDJ Eastern
 Railway.

---Applicant

-versus-

1. Union of India, through the General Manager, Eastern Railway, 17, N.S Road, Kolkata - 700001.
2. Divisional Railway Manager, Eastern Railway, Sealdah, Kolkata - 7000014.
3. Senior Divisional Personal Officer, Eastern Railway, Sealdah, Kolkata - 7000014.
4. Senior DEE the Eastern Railway, Sealdah, Kolkata - 7000014.
5. AEE/TRS/OP the Eastern Railway, Sealdah, Kolkata - 7000014.

For the Applicant : Mr. N. Roy, Counsel

For the Respondents : Mr. K. Sarkar, Counsel

O R D E R (Oral)**Per Dr. Nandita Chatterjee, Administrative Member:**

Aggrieved with his penalty order in disciplinary proceedings, the applicant has approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 praying for the following relief:-

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- (a) To issue direction upon the respondents to consider appeal dated 01.02.2020 forthwith.
- (b) To issue further direction upon the respondent to cancel set aside the order dated 27.01.2020 forthwith.
- (c) To issue further direction upon the respondent to give increment along with other service benefit forthwith."

2. Heard both Ld. Counsel, examined documents on record. This matter is taken up for disposal at the admission stage.

3. Ld. Counsel for the applicant would submit that the applicant, a LPS-II/BT, was issued a show-cause notice on 12.12.2019 for not uploading his documents in UMID. Although the applicant had submitted a response thereto, a memorandum was issued on 7.1.2020 (Annexure A-4 to the O.A.). His representation thereupon was not considered favourably and the competent authority, on 27.1.2020, (Annexure A-6 to the O.A.), imposed the following punishment:-

"Withholding of increments for two years non-cumulative."

The applicant was also advised that he had the opportunity to appeal against such penalty within 45 days through proper channel.

The applicant's wife, however, submitted an appeal on 1.2.2020 (Annexure A-7 to the O.A.) which is pending at the level of the authorities, and, hence, Ld. Counsel would urge an urgent consideration of the same.

4. It is clear from the annexed records, however, that the applicant had enough opportunity of preferring an appeal which he failed to submit on time and instead his wife, who has no locus standi, preferred a prayer in a form of an appeal which the applicant would insist on being considered in the instant O.A.

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Ld. Counsel for the applicant would, therefore, pray that he be allowed to withdraw the O.A. and prefer a comprehensive appeal to the concerned appellate authority.

5. Upon considering the submissions of Ld. Counsel for the applicant, he is allowed to withdraw this O.A. and to prefer a comprehensive appeal to the concerned appellate authority within a period of 4 weeks from the date of receipt of a copy of this order.

If received, the concerned appellate authority, shall, in partial relaxation of the time limit set for this purpose, consider the appeal in accordance with law, and, thereafter convey his decision in the form of a reasoned and speaking order to the applicant within a period of 12 weeks thereafter.

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

(Dr. Nandita Chatterjee)
Administrative Member

SP