



BY VIRTUAL MODE

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

O.A/350/557/2021

Date of Order: 04.05.2021

Coram: Hon'ble Dr. (Ms.) Nandita Chatterjee, Administrative Member

Subhas Shome, S/o Late Sushil Chandra Shome, aged about 71 years, retired from service under superannuation as Station Manager (Debogram), Eastern Railway, Sealdah at present residing at P.O & Village – Debogram (near PHE) P.S Kaliganj, Dist. Nadia, Pin – 741137.

--Applicant

-Vs-

1. Union of India through the General Manager, Eastern Railway, Fairlie Place, Kolkata – 700001.
2. Secretary, Railway Board, Rail Bhawan, New Delhi – 110001.
3. Divisional Railway Manager, Eastern Railway Sealdah, Kolkata – 700014.
4. Sr. Divisional Personnel Officer, Eastern Railway Sealdah, Kolkata – 700014.
5. Sr. Divisional Operations Manager, Eastern Railway Sealdah, Kolkata – 700014.

--Respondents.

For The Applicant(s): Mr. C. Sinha, counsel

For The Respondent(s): Mr. A. Ganguly, counsel

O R D E R (O R A L)

Per: Dr. Ms. Nandita Chatterjee, Member (A):

Aggrieved with non-conclusion of disciplinary proceedings as well as consequent withholding of his gratuity and Commuted Value of his Pension, 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 set aside and quash impugned Charge Memorandum No. C/OS/AD&SB-Misc-Pt.-I dated 27.08.2010 issued by the Sr. Divisional Operations Manager, Eastern Railway Sealdah.

b) To set aside and quash impugned Inquiry Report as supplied under covering letter dated 21.10.2011.

c) To direct the respondents to release the CVP and withheld DCRG amount forthwith together with interest @ 10% p.a.

d) Any other order or orders as the Hon'ble Tribunal deems fit and proper."

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 had been appointed as Assistant Station Manager on 08.07.1976. While he was functioning as Station Manager, Debogram, a Charge Memorandum dated 27.08.2010 was issued to him at the fag end of his career, given that his superannuation was due on 30.11.2010. The applicant participated in the proceedings and the enquiry report, finalized on 07.09.2011, was served upon the applicant on 21.10.2011. The final outcome of the disciplinary proceedings, however, was not intimated to the applicant.. The applicant submitted representations praying for release of his DCRG as well as his Commuted Value of Pension. The respondents, not having replied to his prayers, and being aggrieved, the applicant has approached this Tribunal praying for the abovenoted relief.

4. Upon perusal of the records it transpires that a charge memorandum was issued on 27.08.2010 (as per Annexure A-3 to the O.A). The applicant responded to such charge memorandum at Annexure A-4 to the O.A. An Enquiry Officer was appointed as per Annexure A-5 to the O.A and the Enquiry report was finalized on 07.09.2011 (as per Annexure A-6 to the O.A), in which the Enquiry Officer held the applicant/charged officer responsible for the alleged charges. Surprisingly, however, no further orders have been issued by the Disciplinary Authority consequent to which the applicant has

not been paid his gratuity or his Commuted Value of Pension despite having superannuated about 11 years earlier.

5. Ld. Counsel for the applicant would make an innocuous prayer that the respondent authorities be directed to conclude the disciplinary proceedings within a specified period of time and decide on the settlement benefits so withheld.

Ld. Counsel for the respondents would not object to compliance of such directions in accordance with law.

6. Accordingly, without entering into the merits of the matter, and, with the consent of the parties, the competent respondent authorities are directed to convey the final outcome of the disciplinary proceedings to the applicant within 4 months of receipt of a copy of this order. The authorities should decide in accordance with law in the background of the fact that the applicant had been allowed to superannuate during pendency of the proceedings.

7. Once the outcome is conveyed to the applicant, the authorities shall take steps to release the admissible benefits to the applicant within a further period of one month thereafter.

8. The applicant, if further aggrieved, will be at liberty to challenge the final decision in the proceedings.

9. With these directions, the O.A. is disposed of. There will be no orders on costs.

(Nandita Chatterjee)
Member (A)

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