

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. OA 993 of 96

Present : Hon'ble Mr. Justice S.N. Mallick, Vice-Chairman

KHAGENDRA NARAYAN ROY

VS

UNION OF INDIA & ORS

For the applicant : Ms. U. Sanyal, counsel

For the respondents: Mr. M. S. Banerjee, counsel

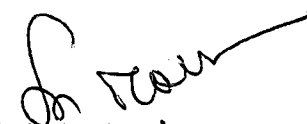
Heard on : 15.9.98

Order on : 15.9.98

O R D E R

In this OA the petitioner has challenged the removal order passed against him by the respondent No. 4 under memo No. F-1/4/82-83 dated 8.8.95 as per Annexure 'Q'. When the matter came up for hearing for admission a preliminary objection has been taken by the ld. counsel for the respondents that the instant OA is a premature one as the petitioner has not preferred any appeal against the impugned order of removal passed by the Disciplinary Authority under Rule 10 of the EDA Conduct & Service Rules. Ms. Sanyal, ld. counsel appearing for the petitioner submits that the application had to be filed without awaiting for preferring an appeal as there was about 12 years delay in finalising the Disciplinary Proceeding. Mr. Banerjee, however, submitted that the delay was due to the pendency of the criminal proceeding against the applicant. Be that as it may, Ms. Sanyal submits that leave may be granted to the petitioner to prefer an appeal under Rule 10 of the EDA Conduct & Services Rules against the impugned order of removal. Mr. Banerjee concedes that such leave may be granted to the petitioner to prefer an appeal before the competent authority against the impugned order of removal, although the time has already expired for preferring such appeal. After hearing the ld. counsel for both the parties the following order is passed on consent. The OA is disposed of with a

leave given to the petitioner to prefer an appeal against the impugned order of removal before the competent authority within 4 weeks from this date which the respondents authorities will consider according to the rules after condonation of delay and after giving the petitioner an opportunity of hearing and the appeal shall be disposed of within 6 weeks from the date of submission of the appeal by passing a speaking order which shall be communicated to the petitioner within 2 weeks from the date of such order. The respondents authorities shall consider the present OA as a part of the aforesaid appeal. No order as to costs.


(S.N. MALLICK)
VICE-CHAIRMAN

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