

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

O.A. No.85 of 1996

Date of order:06.04.2000

Present: Hon'ble Mr. D. Purkayastha, Judicial Member

Hon'ble Mr. G. S. Maingi, Administrative Member

Barid Baran Choudhury, S/o Late S.N. Choudhury, working as UDC-Cashier under Regional Director, Employees State Insurance Corporation, ESIC Building, 5/1, Grant Lane, Calcutta 12, resident of New House Ambika Kundu Bye Lane, Santragachi, Howrah-711104

... Applicant

VS

1. Union of India, service through the Regional Director, Employees State Insurance Corporation, 5/1, Grant Lane, Calcutta-12

2. Employees State Insurance Corporation, service through the Regional Director, ESIC, 5/1, Grant Lane, Calcutta-12

3. Director General, E.S.I.C. Building, Kotla Road, New Delhi

4. Regional Director, E.S.I.C. having his Office at 5/1, Grant Lane, Calcutta-12

... Respondents

For the Applicant(s): Mr. Samir Ghosh, counsel

For the Respondents : Mr. T. K. Chatterjee, counsel

O R D E R

D. Purkayastha, JM

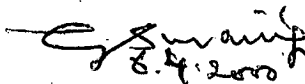
By this application the applicant has prayed for a direction upon the respondents to dispose of the representation dated 29.1.1992 in respect of stepping up of pay from Rs.1530/per month to Rs.1560/- per month and also consequential periodical increments standing at Rs.1560/- per month from 1.1.87 and also promotion to the post of Asstt. It is stated by the applicant that he has been discharged from the criminal case bearing G.R. No.155/73, Uluberia P.S. case No.22 dated 21.2.73 under section 409 of I.P.C., State vs. Barid Baran Chowdhury and others. The applicant enclosed a copy of the order of the SDJM, Uluberia passed on 25.5.1990, Annexure 'A/9' to the application and submits that since he was discharged from the criminal case,

therefore, he was entitled to get the benefit of increment with retrospective effect, as claimed in the application including crossing of efficiency bar.

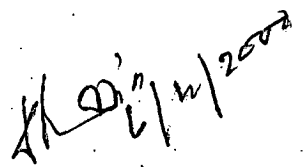
2. The respondents have filed written reply denying the claim of the applicant. It is stated by the respondents that the applicant is not entitled to get any relief in this case since the applicant suppressed some material fact in this case and the criminal case (Annexure 'A/9'), as relied by the applicant has no nexus with the case of withholding the increment which has been issued to the applicant after giving him due reasonable opportunity of being heard and the postponement of the future increment was done with effect from 19.10.1995 following the disciplinary proceeding brought against the applicant and the criminal case has no nexus with the proceeding.

4. We have considered the submissions of the learned counsel of both the parties. It is stated by the learned advocate of the respondents that a de novo enquiry was initiated against the applicant on the basis of the departmental proceeding initiated against the applicant and the applicant preferred an appeal against the final order of punishment and that appeal is pending before the appellate authority.

5. In view of the aforesaid circumstances we direct the respondents to dispose of the representation of the applicant dated 29.1.1992, Annexure 'D' to the application within three months from the date of disposal of the appeal pending before the appellate authority against the impugned order of punishment, if he was otherwise entitled. With this direction the application is disposed of awarding no cost.


(G. S. Maingi)

MEMBER (A)


(D. Purkayastha)

MEMBER (J)