

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

O.A. 1136 of 1996

Present : Hon'ble Mr. Justice A.K. Chatterjee, Vice-Chairman
Hon'ble Mr. M.S. Mukherjee, Administrative Member

Shri Pradip Kumar Bose, s/o Late Haimabati
Charan Bose, retired Office Superintendent
Gr.I from the office of the Controller of
Stores, Chittaranjan Locomotive Works, 4,
Chittaranjan Avenue, Calcutta-72 and resi-
ding at 6/2A, Padda Pukur Road, Cal-700092.

..... Applicant

-Versus-

1. Union of India, service through the
General Manager, C.L.W., PO: Chittaranjan,
District - Burdwan, West Bengal ;
2. The Chief Personnel Officer, C.L.W.
PO: Chittaranjan, Dist. Burdwan(W.B.) ;
3. The Controller of Stores, C.L.W., 4,
Chittaranjan Avenue(Hindustan Building),
Calcutta-700072 ;
4. The Deputy Controller of Stores(IV),
C.L.W., Chittaranjan Avenue, Cal - 72.

..... Respondents

Counsel for the applicant : Mr. R.K. De
Mr. D.P. Bhattacharyya
Mr. A.K. Roychowdhury

Counsel for the respondents : Ms. U. Sanyal

Heard on : 16.4.1997

Order on :

8-5-1997

15.5.1997
At VI

O R D E R

A.K. Chatterjee, VC

The petitioner was an employee of C.L.W. and retired
as Office Superintendent - Gr.I from the office of the Controller
of Stores on 30.4.94 on attaining the age of superannuation. About
a couple of months before his retirement, he was served with a
major penalty charge-sheet alleging lack of supervision during

JK

January, 1991 while he was working as O.S. Gr.II, as a result of which two Unregistered Firms were included in the panel and purchase orders were placed on the firms which resulted in giving them undue financial benefit. The petitioner contends that the enquiry was completed in December, 1995 but no copy of the Enquiry Officer's report was received by the petitioner even till 16.7.96 when the instant application was filed. It is contended that according to the direction of the Railway Board, DA proceeding should be completed within 15 days but in the instant case, it has not been finalised even in three years. He has also challenged the ~~legality~~ ^{legality} of the charge-sheet on certain grounds and has made a prayer, inter alia, for a direction upon the respondents to quash the proceeding including the charge-sheet.

2. The respondents have not filed any counter inspite of opportunities given to them more than once for the purpose.

3. We have heard the Ld.Counsel for both the parties and perused the records before us. The Ld.Counsel for the respondents was unable to make any submission for want of instruction but since no reply was filed by the respondents inspite of reasonable opportunity to do so, the position is that broad averment of facts as made in the application have to be accepted. Thus, it can be held on the basis of the records before us that the DA proceeding, which had commenced in Feb., 1994 still remains pending with the result that certain retiral benefits such as DCRG amount and commutation of pension remained unsettled. We are also not satisfied why such an unusual length of time should be required to conclude the DA proceeding, specially when it is bound to cause hardship to a superannuated employee. Therefore, even though we are not disposed to quash the proceeding as prayed by the petitioner, we have to interfere and give a direction for expeditious disposal of the proceeding.

4. The application is, therefore, disposed of only with a direction upon the respondents to conclude the DA proceeding within three months from the date of communication of this order with due regard to the rule of procedure and in case the petitioner does not participate in the proceeding inspite of reasonable opportunity, it may be decided ex-parte.

5. We, however, make no order as to costs.

M.S. Mukherjee
8/5/92
(M.S. Mukherjee)
Member (A)

A.K. Chatterjee
8/5/92
(A.K. Chatterjee)
Vice-Chairman