

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No.O.A.1267 of 1996

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

ARUN KUMAR BISWAS

... Applicant

Vs.

1. Union of India through the
Secretary, Railway Board, New Delhi.
2. General Manager, Eastern Railway,
17, Netaji Subhas Road, Calcutta-1.
3. Chief Personnel Officer, Eastern
Railway, 17, Netaji Subhas Road,
Calcutta-700 001.
4. Controller of Stores, Eastern
Railway, 17, Netaji Subhas Road,
Calcutta-1.
5. Deputy Chief Personnel Officer,
Eastern Railway, 17, Netaji
Subhas Road, Calcutta-700001.

... Respondents

For the applicant : Mr. A.K. Banerjee, counsel.

For the respondents: Mr. C. Samadder, counsel.

Heard on : 11.8.1997

Order on : ~~15.8.1997~~ 25-8-1997

ORDER

A.K. Chatterjee, V.C.

The petitioner while working as Deputy Chief Electrical Engineer, Jamalpur, was served with a major penalty charge sheet dated 11.8.1994 wherein allegations were made that he had committed gross misconduct in 1988-89 by entertaining the irregular and incomplete requisition from the Sr. Electrical Foreman and floated tenders ^{and} ^{effected} for effective purchase of certain materials at an exorbitant rate without verification. The

...2/-

petitioner has challenged the DA proceeding initiated on the basis of such charge sheet which is still pending on various grounds and has filed the instant application on 16.10.1996 for quashing the same and for other reliefs.

2. The respondents in their reply ^{have} stated that the case was investigated by the SP, CBI, Patna and all original documents are in his custody. It was said that an inquiry officer was duly appointed and his report is awaited. The grounds on which the petitioner seeks quashing of the charge sheet are disputed.

3. We have heard the ld.counsel for both the parties and perused the records before us. It has been brought to our notice that during the pendency of this proceeding, an order was passed by the inquiry officer on 22.7.1997 wherein it was recorded that the prosecution case was closed and statement of defence was submitted by the petitioner who did not cite any defence witness nor he appeared as his own witness. The IO had also recorded that the hearing was concluded and the presenting officer and the petitioner were directed to submit their respective briefs by 4.8.1997 and 11.8.1997 and in case briefs were not received by such dates, the report would be finalised without the brief. Thus it appears that the date for submission for the brief by the petitioner is already over and the DA proceeding is in the concluding stage. In such circumstances, we propose to give a firm direction to the authorities to complete the DA proceeding within a specified period.

4. Ld.counsel for the petitioner has stated that he was due to retire in January next year and as such, the DA proceeding should be concluded with utmost expedition. The ld.counsel for the respondents on the other hand has stated that since the Railway Board has also a function in this regard, a reasonable time should be granted.


5. Considering the submissions made by the ld.counsel and in view of the fact that the petitioner has already suffered agony for about three years, we are of the opinion that the DA proceeding

should be concluded within eight weeks.

6. On the aforesaid premises, the O.A. is disposed of with a direction upon the respondents to ensure that the DA proceeding which is now pending against the petitioner is concluded within eight weeks from the date of communication of this order.

7. No order is made as to costs.


25/8/1997
(M.S. Mukherjee)
Administrative Member


25-8-97
(A.K. Chatterjee)
Vice-Chairman