

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH, CALCUTTA

O.A./1435/1996

CORAM

Hon'ble Mr. D.C.Verma, Vice Chairman(J)

Hon'ble Mr. G.R.Fatwardhan, Member(A)

Gulab Roy

V/s.

U.O.I.&Ors.

For applicant : Mr. A.K.Panerjee

For respondents : Mr. M.K.Bandyopadhyay

Date of order:18.01.05

ORDER(ORAL)

( Per D.C.Verma )


By this OA the applicant has prayed for quashing of a chargesheet dated 31.10.1995, the inquiry proceedings and the punishment order dated 26.06.1996.

2. During the course of argument learned counsel for the respondents submitted that the applicant's appeal is still pending and has not been decided. As per the recital made in para-18 of the reply, two other staff had submitted their appeal to the appellate authority against the punishment imposed on them. The applicant submitted his appeal thereafter. The appeal of two other staff was being considered. It was provided that the appeal of the applicant would be put up for disposal by the appellate authority. Learned counsel for the applicant submitted that though several years have passed, he has not received any communication with regard to the disposal of the appeal.



Contd.....

3. Initially it is for the respondents to examine and pass an appropriate order on the memo of appeal. It is only after exhausting departmental remedy, the applicant can approach the Tribunal. No doubt though the applicant had preferred an appeal, the same was not decided by the respondents. However, as the appeal is still pending we at this stage direct the appellate authority to consider the same and pass an appropriate order within a period of three months from the date of receipt of a copy of this order. In case the appeal has been decided meanwhile, the order shall be communicated to the applicant who can challenge the order, in case of grievance as may be advised. The OA is therefore not being decided on merit and is decided by giving liberty to the applicant to take such pleas in case of fresh O.A. No order as to costs.

  
( G.R. Patwardhan )  
Member(A)

  
(D.C. Verma)  
Vice Chairman(J)

CMJ/