

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

O.A. No.1439 of 1996

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

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

Kshiti Mohan Chakraborty, S/o Late  
Dr. Monomohan Chakraborty, working for  
gain as Appraiser in the Office of the  
Collector of Customs, Custom House,  
Calcutta, residing at 28A, Aswini Dutta  
Road, Calcutta-29

... Applicant

VS

1. Union of India service through the  
Secretary, Ministry of Finance, Deptt.  
of Revenue, North Block, New Delhi

2. Central Board of Excise & Customs,  
service through the Chairman,  
Parliament Street, New Delhi

3. The Collector of Customs, Customs  
House, 15/1, Strand Road, Calcutta-1

4. Deputy Collector of Customs  
(Appraising), since re-designated as  
Addl. Collector of Customs (Appraising),  
Customs House, 15/1, Strand Road,  
Calcutta-1

5. Shri A. Cowshish, Com,missioner for  
Departmental Inquiries, New Delhi &  
Inquiry Officer, Central Vigilance  
Commission, Jamnagar House, New Delhi

... Respondents

For the Applicant: Mr. Samir Ghosh, counsel

For the Respondents: Mr. B. Mukherjee, counsel

Heard on 17.1.2000

: :- Date of order: 17.1.2000

O R D E R

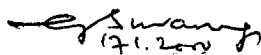
D. Purkayastha, JM

Heard the learned counsel of both the parties. Without entering into the merits of the case we noticed that the applicant retired from service on superannuation with effect from 1.2.1997. Before his retirement a departmental proceeding for imposition of major penalty chargesheet has been initiated against the applicant by a memo of chargesheet dated 16.4.1991 (Annexure 'C' to the application). Thereafter an Inquiry Officer was appointed and he held the enquiry and completed the same and

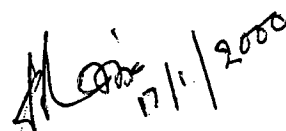
submitted the report on 22.2.1994. Thereafter the applicant was also asked to submit written reply to the enquiry report. Accordingly, the applicant submitted the reply on 16.11.1994. Thereafter the Department did not take any action on the report and the disciplinary proceeding is still pending.

2. We find that the applicant has already been retired. So, it is an obligation on the part of the respondents to conclude the disciplinary proceeding in whatsoever manner<sup>as</sup> they think it fit and proper according to rule expeditiously, particularly when the enquiry has been completed and report has been submitted. But no action has been taken by the respondents till date after receipt of the report of the enquiry and reply to the enquiry report from the delinquent official.

3. In view of the peculiar circumstances of the case we find that the respondents should be directed to complete the departmental proceeding by passing final order within three months from the date of communication of this order. Be it mentioned here that if the departmental proceeding is not completed by passing the final order within the stipulated period, the departmental proceeding should be deemed to have been quashed after expiry of the period of three months. With this observation the application is disposed of awarding no cost.

  
(G. S. Maingi)

MEMBER (A)

  
(D. Purkayastha)

MEMBER (J)