

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

No. CPC 120 of 97  
(O.A 157 of 96)

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

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

MAYA DEBI DAS

-VS-

S.M.RAMANATHAN(S.E.RLY.)

For the applicant(s) : Mr. B.Chatterjee, counsel  
Ms. B. Mondal, counsel

For the alleged Contemnor : Ms. S.Banerjee, counsel

Heard on : 13.4.2000

Order on: 13.4.2000

O R D E R

D.Purkayastha, J.M.:-

We have heard ld. counsels of both sides. We find that despite direction given by the Tribunal dated 13.9.96 in O.A. No. 157 of 1996, the alleged Contemnor did not give relief to the application on the ground of non-availability of records. We are of the view that applicant should not be deprived of the reliefs as per direction given by the Tribunal for an unlimited period for fault on the part of the alleged Contemnor. Alleged Contemnor is the custodian of the records. He should grant proper relief to the applicant as per direction given by the Tribunal dated 13.9.96 within the prescribed time. In case, records are <sup>recessed</sup> not available then Service Records should be ~~formed~~ as per Rules. We are of the view that reliefs which are admissible to the applicant as per direction given by the Tribunal should not be kept pending for unlimited period. In view of the aforesaid circumstances last chance is given to the alleged Contemnor to grant relief to the applicant as admissible to her in view of the judgement passed by the Tribunal on 13.9.1996. We are also of the view that on the ~~alleged~~ ground of unauthorised absence a Government Employee cannot be

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held disentitled to get pension under the Rules.

2. It is found from the letter dated 9.2.99 bearing No. E/CC/CAT/CP(C) 97/MD written by Senior Divisional Mechanical Engineer, S.E. Railway, Adra addressed to the applicant that Service Records were not available with the alleged Contemnor. Therefore, we direct the alleged Contemnor to re-construct the Service Records on the basis of Services rendered by the husband of the applicant and give relief to the applicant in the light of the observation given by us today as well as in the order dated 13.3.96 passed by this Tribunal within two months from the date of communication of this Order without fail. With this observation C.P.C. is disposed of.

*Approved*  
G.S. MAINGI  
MEMBER(A)

*11/2/2000*  
D. PURKAYASTHA  
MEMBER(J)

a.m.e