

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

O.A. No. 143 of 1996

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

Shri Kamal Kumar Paul, s/o Late Anukul
Chandra Paul, residing at 16, Swami Vive-
kananda Road, 3rd Lane, Birati, Cal-51,
retired as P.W.I. - Gr.II on 31st July,
1993 from Siliguri Junction, NF Railway.

..... Applicant

-Vs-

1. Union of India, service through the
Secretary, Ministry of Railways, Rail
Bhawan, New Delhi - 110 001 ;
2. The General Manager, North East
Frontier Railway, Maligaon, Guwahati, Assam ;
3. The Chief Engineer, North East Frontier
Railway, Maligaon, Guwahati Assam ;
4. The Chief Personnel Officer, North East
Frontier Railway, Maligaon, Guwahati, Assam ;
5. The Divisional Railway Manager, North
East Frontier Railway, Katihar, Post Office
and District - Katihar, Bihar ;
6. The Sr. Personnel Officer, North East
Frontier Railway, P.O. & Dist. Katihar, Bihar ;
7. The Sr. Divisional Engineer, North East
Frontier Railway, PO & Dist. Katihar, Bihar ;
8. The Assistant Engineer, Siliguri Junction,
N.F. Railway, Siliguri Junction, Siliguri,
West Bengal.

..... Respondents

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

For respondents : Ms. U. Sanyal, counsel

Heard on : 28.8.1997 - Order on : 15.9.1997

O R D E R

A.K. Chatterjee, VC

Barring unnecessary detail, the petitioner while working
as a Permanent Way Inspector - Gr.III at Tindharia Station of N.F.
Railway was served with a major penalty charge-sheet dated 3.4.82

for alleged irregular payment of tuition fees to the staff during the period 1.12.77 to 6.2.78. The DA proceeding remained pending even till 30.1.96 when the instant application was filed as a result of which the petitioner suffered great financial loss and also deprivation of promotion as P.W.I. ^{Gr. I} He has challenged the DA proceeding on various grounds and has filed the instant application for cancellation of the charge-sheet and consequential relief, such as promotion to the post of P.W.I. Gr. I w.e.f. 1.1.1984 when the next junior was promoted and further promotion as and when due with effect from such date when employees of contemporaneous seniority were promoted and for release of all consequential financial benefits. The petitioner has retired from the same grade on attaining the age of superannuation on 31.7.93.

2. The respondents have not filed a reply inspite of several opportunities.

3. We have heard the Ld. Counsel for the parties and perused the records before us.

4. The Ld. Counsel for the petitioner has produced at the time of the hearing a communication dated 4.6.93 from the D.R.M. to the petitioner intimating that the disciplinary proceeding has been dropped and that action was being taken to give him promotion and retirement benefits as per extant rules. The Ld. Counsel for the respondents has also stated that she had also received a copy of this communication. It is amazing that disciplinary proceeding, which was initiated in April, 1982 was kept pending for 14 years or more, which resulted in not only denial of normal service benefit to the petitioner but also ^{caused him} the devastating agony. In the circumstances, we have no option but to order that all actual benefits should be released to the petitioner including promotion, which would have been granted if no charge-sheet was at all issued to him.

5. The O.A. is accordingly disposed of with a direction upon the respondents to promote the petitioner in the same way in which he would have been promoted if no charge-sheet was at all issued and to release all consequential actual benefits within six months from the date of communication of this order.

6. The respondents shall also pay Rs.1000/- as costs of this proceeding to the petitioner. *in the same period*

M.S. Mukherjee
15/9/92
(M.S. Mukherjee)
Member (A)

A.K. Chatterjee
21.8.92
(A.K. Chatterjee)
Vice-Chairman