

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

No.M.A.145/2000  
(O.A.243/1996)

Present : Hon'ble Mr. D. Purkayastha, Judicial Member  
Hon'ble Mr. G.S. Maingi, Administrative Member

UNION OF INDIA & ORS.

VS.

TARA RATAN MUKHERJEE

For the applicants : Mr. R.M. Roychoudhury, counsel

For the opposite party : Mr. A.K. Bairagi, counsel

Heard on : 20.4.2000

Order on : 20.4.2000

ORDER

D. Purkayastha, Judicial Member

Heard ld. counsel for both sides over the M.A.145/2000 filed by the official respondents of the O.A.243/1996 in which they have prayed for extension of time for compliance of the order dated 1.2.2000 passed by this Tribunal in O.A.No.243/1996.

2. Ld. counsel, Mr. R.M. Roychoudhury appearing on behalf of the applicants(respondents in O.A.) submits that another 6 months' time may kindly be allowed to the official respondents in O.A.243/1996 to comply with the directions passed by the Tribunal in that O.A. on 1.2.2000.

3. Ld. counsel, Mr. A.K. Bairagi/raised objection against the prayer made by Mr. Roychoudhury, ld. counsel for the applicant in the M.A. stating that the matter has been considered by this Tribunal as appears from para 2 and 3 of the aforesaid order dated 1.2.2000 passed in O.A.243/1996. He further submits that after considering all the facts and circumstances of the matter the Tribunal directed the respondents to pass punishment order against the applicant within one month from the date of communication of that order which appears from para 4 of the aforesaid

order dated 1.2.2000. Thereby, the applicants in the M.A. should not be granted further time in view of the observations made in the order dated 1.2.2000 passed in O.A. 243/1996.

4. We have considered the submissions made by the ld. counsel for both sides. We have also perused the records. On a perusal of the order dated 1.2.2000 passed in O.A. 243/1996, we find that specific time has been mentioned for passing order of punishment against the applicant following the impugned chargesheet issued to him. ~~It is also~~ also mentioned in that order that if no decision is taken within the stipulated period, the disciplinary proceeding and the impugned chargesheet against the applicant shall be deemed to have been quashed and the applicant shall be entitled to all consequential reliefs within 3 months from the date of expiry of one month as ordered if no decision is taken by them. We find that the official respondents of the O.A. have filed this M.A. for extension of time before expiry of the period as mentioned in the order.

5. In view of the aforesaid circumstances, we find that the matter has been delayed inordinately due to lack of certain informations to be received from the railway authorities. ~~the M.A.~~ However, the ~~applicants in~~ allowed 3 months' time to dispose the case of the applicant finally in view of the order passed by this Tribunal on 1.2.2000 in O.A. 243/1996 as a last chance. It may be noted here that if the authorities cannot pass any order in this matter within the period of 3 months, all the proceedings against the applicant including the chargesheet shall be quashed as per direction of this Tribunal. No further time will be granted for this purpose. We are of the view that responsibility should be fixed upon the officer who is responsible for delay in completion of the proceeding as bearing No. M.A. 145/2000 ordered by the Tribunal. Accordingly, the application is disposed of with the aforesaid observations without passing any order as to costs.

*E. S. S. S. S.*

*H. M.*