

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

OA 52 of 1996

Present : Hon'ble Mr. Mukesh Kumar Gupta, Judicial Member  
Hon'ble Mr. M.K. Mishra, Administrative Member

Someswar Paul

-VS-

Eastern Railway

For the Applicant : Mr. S.K. Dutta, Counsel

For the Respondents: Mr. P.K. Arora, Counsel

Date of Order : 06-12-2004

ORDER (ORAL)

MR. MUKESH KR. GUPTA, JM

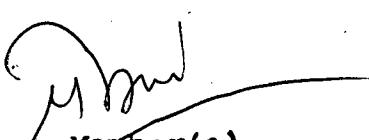
In this application the applicant has challenged the order of suspension dated 11-5-1995 as well as the charge sheet dated 5-7-1995. Besides the above, the applicant also seeks direction to the respondents not to proceed with the departmental enquiry on the basis of the aforesaid impugned charge sheet as well as to enhance the subsistence allowance in terms of the rules. It is contended by Mr. Dutta, Ld. Counsel appearing for the applicant that on the self-same ground the Court of Judicial Magistrate, 4th Court, Burdwan Sadar vide order and judgement dated 16-9-1999 acquitted the applicant from the criminal case initiated on account of theft of posting book from Sh. S.K. Paul which belongs to Sr. Crew Controller, Eastern Railway, Burdwan. It is also contended that the charge made vide the aforesaid impugned charge-sheet was cryptic in nature. It is further contended that till date enquiry has not been completed despite a period of nine years has already passed from the date of issuance of the said charge-memo and five years after the applicant's acquittal by the Criminal Court.

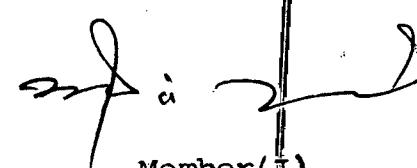
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2. Mr. P.K. Arora, Ld. Counsel appearing for the respondents contends that in the present application no direction can be issued not to proceed with the departmental enquiry as per the charge-memo dated 5-7-1995. On merits also the present application has been contested.

3. We have heard Ld. Counsel for both parties and perused the pleadings. On perusal of the charge sheet dated 5-7-1995 we find that the charge levelled against the applicant was that the applicant abused the dealing clerk with slang language and tore out few CTR forms of other drivers and snatched away the posting register with CTR forms from the dealing clerk and went away. On perusal of the charge sheet it is clear that the applicant was not proceeded with for using slang language and snatching away the posting register. ~~The applicant tried to appear as a representative for inspection of his posting register.~~ The Ld. Counsel for the applicant submits that there was no mention of completion of departmental enquiry.

4. In view of above, we are of the considered view that the respondents should be directed to conclude the departmental enquiry within a period of six months from date and pass necessary final order failing which the enquiry proceeding vide memo dated 5-7-95 shall abate. It is made clear that no extension of time for completion of the departmental enquiry shall be granted on any account to the respondents. Accordingly, the O.A. is disposed of. No costs.

  
Member (A)

  
Member (J)

DKN