

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

M.A. 189/97
C.P.C. 79/97
(O.A. 466/96)

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

Hon'ble Mr. B.P. Singh, Administrative Member.

UNION OF INDIA AND ORS (E. RAILWAY)

- V E R S U S -

NARAYAN CH. MONDAL

For the applicants : Mr. R.K. De, counsel.

For the respondents : Mr. A.K. Banerjee, counsel.

Heard on 18.3.99

Order on 18.3.99


O R D E R

D. Purkayastha, JM

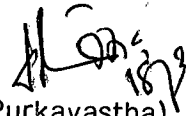
Heard Id. counsel of both the parties over an application filed by the official respondents for extension of the time to implement the judgment dated 13.1.97 passed by this Tribunal in O.A. 466/96 where it is mentioned, "The application is, therefore, rejected but we give a direction to the respondents to conclude the disciplinary proceeding initiated on the basis of the first charge-sheet within three months from the date of communication of this order, in default of which the petitioner shall be exonerated of all the charges." It is stated by the official respondents that they received the said order on 21.1.97. But they could not comply with the direction as ordered in the judgment dated 13.1.97 on the ground of illness of the Inquiry Officer. Therefore, they filed instant application for extension of time after expiry period as prescribed by the Tribunal for completion of the inquiry. The instant application has been filed by them on 15.5.97. We have gone through the facts of the case. It is found that applicant went on superannuation on 31.8.88 and departmental proceeding was initiated against him just one day before his retirement i.e. on 30.8.88. It is unfortunate that officer after retirement has to face departmental proceeding which was initiated against him about 12 years back.

2. In view of the aforesaid circumstances, we are of the view that a specific direction was given to the respondents to conclude the inquiry within a specified time limit, as stated in the O.A. and the instant application since has been filed after expiry of the period, as prescribed by the Tribunal. We are unable to accept the prayer of Id. counsel for the respondents applicant. Accordingly we hold that the applicant shall be deemed to have been exonerated from all charges against him. He should be paid all retiral benefits as admissible under the rules within three months from the date of communication of this order. M.A. stands disposed of accordingly.

3. No order is passed as to costs.



(B.P. Singh)
Member (A)



(D. Purkayastha)
Member (J)