

CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH, CALCUTTA.

O.A. No.: 236 of 1996

Date of Order : 28.06.2001.

Adhir Kumar Mukherjee, son of Late Kunj Behari Mukherjee, aged about 59 years, Ex-Office Superintendent Grade-I, Land Engg.) - since retired, under Chief Engineer, Metro Railway, Chouringhee Road, Cal, at present residing at 4/203, Gandhi Colony, Regent Estates, Calcutta-92.APPLICANT.

By Advocate :- Mr. Samir Ghosh.

Vs.

1. Union of India, service through the General Manager, Metro Railway, 33/1, Chouringhee Road, Calcutta.
2. General Manager, Metro Railway, 33/1, Chouringhee Road, Calcutta-71.
3. Chief Engineer, Metro Railway, 33/1, Chouringhee Road, Calcutta-7.
4. Deputy Chief Engineer, Tunnel, Metro Rly., 33/1, Chouringhee Road, Calcutta.
5. Dy. Chief Personnel Officer, Metro Railway, 33/1, Chouringhee Road, Calcutta-7.
6. Shri I.R.K.T.Raju, Executive Engineer (Tunnel), Metro Railway, Calcutta-37, Enquiry Officer.RESPONDENTS.

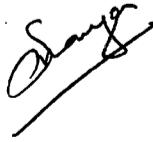
By Advocate :- Shri S.K. Sengupta.
Mrs. S. Sinha.

C O R A M

HON'BLE MR. JUSTICE S.NARAYAN, VICE-CHAIRMAN.
HON'BLE MR. L.R.K.PRASAD, MEMBER (ADMINISTRATIVE)

O R D E R (Dictated in Court)

JUSTICE S.NARAYAN, V.C.:- The instant O.A. is directed against a disciplinary proceeding initiated against the applicant under Rule 9 of the Railway Servants (Discipline & Appeal) Rules, 1960. Be it recorded that this proceeding was initiated by issuing Memorandum of Charges dated, 17th March, 1994, and even after a lapse of more than six years, the proceeding has not yet been concluded and, in the mean while, the applicant has since retired on superannuation from 1st April, 1994. The retiral benefits, excepting provisional pension, have been withheld. This being the position, learned counsel for the applicant presently insisted only for an expeditious disposal of



of the pending disciplinary proceeding. Quite fairly, it was conceded by the learned counsel appearing on behalf of the respondents also that the proceedings ought not to have delayed so long.

2. In the facts, as noticed above, and in the light of the submissions made by the learned counsel for the either side, it is deemed expedient that this D.A. be disposed of with a direction upon the respondents to expedite the pending disciplinary proceeding against the applicant in accordance with law and to dispose of the same within four months from the date of communication of this order. It is, however, made clear that we have expressed no opinion on the merits of the case. We would also direct that the applicant must co-operate for expeditious disposal of the proceeding failing which the respondents will be at liberty to decide the proceeding ex-parte.

3. This D.A. is thus, disposed of with the direction, as above. There shall be no order as to costs.

for recd
(L.R.K. PRASAD)
MEMBER(A)

28/6/01

S. Narayana
(S. NARAYANA)
VICE-CHAIRMAN

28-6-01