

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

No.O.A. 243/1996

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

Hon'ble Mr. G.S. Maingi, Administrative Member

TARA RATAN MUKHERJEE

VS.

UNION OF INDIA & ORS.

For the applicant : Mr. A.K. Bairagi, counsel

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

Heard on : 01.02.2000

Order on : 01.02.2000

O R D E R

D. Purkayastha, J.M.

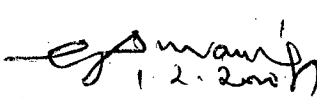
One Sri Tara Ratan Mukherjee (although the ld. counsel for the applicant submits that the name should be Tara Ranjan Mukherjee) son of late Phani Bhusan Mukherjee, has filed this application challenging the validity of the memo of chargesheet dated 31.8.1989 and sought for direction upon the respondents to quash the impugned order of punishment proposed to be imposed upon him as a result of the disciplinary proceeding held against him. According to the applicant, he retired from service on 1.5.90 but the respondents could not impose punishment upon him till date. Thereby, he has come before this Tribunal seeking appropriate relief.

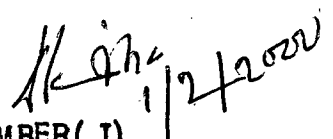
2. We have heard the ld. counsels for both sides. Ld. counsel for the applicant, Mr. A.K. Bairagi has submitted that the impugned chargesheet issued against the applicant, should be quashed in view of the inordinate delay in taking decision by the respondents regarding imposition of punishment upon the applicant. Ld. counsel for the respondents, Mr. R.M. Roychoudhury has submitted one letter bearing No.E(D&A) 92 AE3-5 dated 10.12.99 written by the Deputy Director, Estt.(D&A) Railway Board to the

General Manager(P), Eastern Railway, Calcutta. On a perusal of the said letter, we find that the respondents were requested to take immediate action in the matter since considerable delay had already taken place. But Mr. Roychoudhury has submitted that the respondents could not take any decision in this matter for want of certain information from the railway authorities.

3. We have considered the submissions made by the ld.counsels for both sides and without entering into the merits of the case we have perused the letter produced by the ld.counsel for the respondents. Admittedly the applicant retired from service in the year 1990 and no decision has been taken by the respondents till date regarding imposition of punishment upon him following the impugned chargesheet dated 31.8.1989 (Annexure 'D' to the app.). The applicant has no fault. Therefore, we are of the view that a specific time-bound direction should be given upon the respondents to save the applicant from hardships and for the interest of justice.

4. In view of the above, the respondents are directed to take decision in respect of imposition of punishment upon the applicant following the impugned chargesheet dated 31.8.1989 (Annexure 'D' to the app.) within one month from the date of communication of this order. If no decision is taken within one month, the disciplinary proceeding and the impugned chargesheet against the applicant shall be deemed to have been quashed. Accordingly, he shall be entitled to all consequential reliefs and money admissible to him and the same shall be paid to him within 3 months from the date of expiry of one month as ordered. *If no decision is taken by then.* With these observations, the application is disposed of without any order as to costs.


MEMBER(A)


MEMBER(J)