

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. M.A.341 of 1998
(O.A.800 of 1991)

Date of Order : 21.8.1998

Present : Hon'ble Mr. Justice S.N. Mallick, Vice-Chairman.
Hon'ble Mr. S. Dasgupta, Administrative Member.

DR. NITYANANDA DE

Vs.

UNION OF INDIA & ORS.

For the applicant : Mr. Samir Ghosh, counsel.

For the respondents: Mrs. Uma Sanyal, counsel.

ORDER

S.N. Mallick, V.C.

In this miscellaneous application the applicant has prayed for an order staying the operation of the purported order dated 27.4.1998 passed by the Joint Secretary (E), Railway Board, as per annexure 'X-1', till the disposal of O.A.800 of 1991.

2. By the said order it has been communicated to the applicant who retired before the filing of the O.A. that on consideration of the report of the inquiry officer and other records of the case, the President has come to the conclusion that the charge has been proved against him and he has accordingly decided to withhold the DCRG and full pension of the applicant.

3. It should be recalled that in O.A.800 of 1991, the applicant has challenged the departmental proceeding. It is submitted

by Mrs.Uma Sanyal, ld.counsel appearing on behalf of the respondents, that as there was no interim order restraining the respondents to proceeding with the proceedings, the final order has been passed.

4. As the very disciplinary proceeding is the subject matter of adjudication in the O.A., we think it proper that the respondents should be directed not to give effect to the order dated 27.4.1998 till the next date of hearing of the O.A. i.e. 7.1.1999.

5. We order accordingly.

6. This M.A. stands disposed of. No order is made as to costs.



(S.Dasgupta)
Administrative Member



(S.N. Mallick)
Vice-Chairman

r.s.