

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No.O.A.808 of 1997

Present : Hon'ble Dr.B.C.Sarma, Administrative Member.

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

A.N.CHAKRABORTY S/o Late H.P.
Chakraborty, Ex-Sr.M.F.(Technical),
S.E.Railway, Adra, now residing
at 76, Radhanagar Road, P.O.
Radhanagar, Asansol, Dist.Burdwan,
Pin-713325.

... Applicant

Vs.

1. Union of India through General Manager,
S.E.Railway, Garden Reach, Calcutta-43.
2. Divisional Railway Manager, S.E.Railway,
Adra.
3. Sr.Divisional Mechanical Engineer,
S.E.Railway, Adra.
4. Enquiry Officer, S.E.Railway, GRC,
Calcutta-43.

... Respondents

For the applicant : Mr.B.C.Sinha, counsel.

For the respondents: Mr.S.Choudhury, counsel.

Heard on : 9.3.1998


Order on : 9.3.1998

ORDER

B.C.Sarma, A.M.

The dispute raised in this application is about the charge memo dated 13.11.1996 as set out at annexure 'A/2' to the application.

2. The applicant contends that pursuant to that a disciplinary proceeding has followed which is still continuing. However, Mr.B.C.Sinha, ld.counsel for the applicant, submits that the



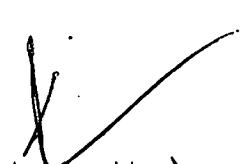
enquiry has since been completed and the disciplinary authority is expected to pass orders within a short time.

3. We have also heard the submissions of the ld.counsel for the respondents. He submits that he has no instruction in the matter.

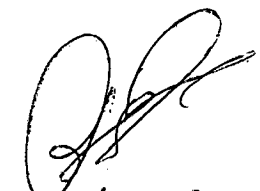
4. We have perused the contention of this application after hearing the submissions of the ld.counsel for both the parties. We find that this application is premature, particularly when an enquiry has been completed, the applicant should have waited for the result of the disciplinary proceeding.

5. In view of the above position, we dispose of this application at the stage of admission itself with a direction that the ~~appropriate~~ disciplinary authority shall pass order as per law, within a period of three months from the date of communication of this order, provided the enquiry has been completed already, as averred by Mr.B.C.Sinha. The applicant if he is aggrieved by any order of the disciplinary authority, should approach this Tribunal, for which liberty is granted, only after exhausting the appellate forum.

6. No order is passed as to costs.



(D. Purkayastha)
Judicial Member



(B.C. Sarma)
Administrative Member