

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

No. M.A.632 of 1999  
(O.A.468 of 1997)

Date of Order : 3.2.2000

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

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

**CALCUTTA TELEPHONES**

vs.

**ALOK CHAKRABORTY**

For the applicant : Mr.B.K.Chatterjee, counsel.

For the respondent : Mr.Sunder Singh, counsel.

**ORDER**

D.Purkayastha, J. M.

Heard 1st.counsel for both the parties over an application filed by the official respondents in the O.A. seeking extension of time for complying with the directions of this Tribunal passed in O.A.468 of 1997 on 30.8.1999.

2. We find that in paragraph 8 at page 7 of the above mentioned order it has been directed by this Tribunal that the respondents shall consider the case of the applicant in respect of initiation of departmental proceeding within three months from the date of communication of this order. If the department decides not to start any departmental proceeding till the conclusion of the criminal case, his case for reinstatement in service should be considered by the respondents. If any departmental proceeding is initiated, that should be concluded within a period of four months from the date of serving charge sheet to the applicant. Now the respondents have filed the instant M.A. on the ground that departmental proceedings could not be initiated against the applicant in absence of documents living in the court of Ld. Sub-Divisional Judicial

Magistrate, Serampore, Hooghly. Mr.B.K.Chatterjee, 1st.counsel appearing for the respondents in the O.A./ the applicant in this M.A. submits that the department tried their best to collect the documents through the competent court through their legal agency, but they could not collect the same. Mr.Chatterjee has produced a letter dated 23.12.1999 written by the Public Prosecutor, to the Dy.Area Manager, Serampore, Calcutta Telephones before us. We have gone through the letter.

3. 1st.counsel for the original applicant has relied on two decisions, in support of the case of the original applicant, reported in 1990 (13) ATC 853 (Kamal Kishore Prasad vs. UOI & Anr. passed by the Principal Bench of the Tribunal and another judgment passed by the Calcutta High Court reported in Calcutta High Court Notes 1997 (1) page 430 (Samir Kumar Ray Chowdhury vs. Indian Drugs & Pharmaceuticals Ltd. & Ors.).

4. We have gone through the record. We find that the stand taken by the applicant/D.P. is not sustainable. It is found that the official respondents in the O.A. did not seek for liberty for continuance of the suspension order. They have, in this M.A., prayed for extension of time for initiation of the departmental proceedings against the applicant as per direction passed by this Tribunal in the O.A.

5. In view of the aforesaid circumstances, we follow the decision of the Calcutta High Court where the question of continuance of suspension of an employee has been considered and rejected. We direct the official respondents in the O.A. to reinstate the original applicant in service, if the department fails to frame a charge sheet against the original applicant within a fortnight from this date.

6. The M.A. stands disposed of accordingly. No order is passed as to costs.

*3.2.2000*  
(G.S. Misingi)  
Administrative Member

*3/2/2000*  
(D.Purkayastha)  
Judicial Member