

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

O.A. No. 1175 of 1997

Date of order: 28.01.2000

Present : Hon'ble Mr. D. Purkayastha, Judicial Member
Hon'ble Mr. G. S. Maingi, Administrative Member

BIJOLI BHUSON MUKHOPADHYAY

VS

UNION OF INDIA & ORS.

For the Applicant : Mr. P. Karmakar, counsel
Mr. N. Sengupta, counsel

For the Respondents : Ms. K. Banerjee, counsel

O R D E R

D. Purkayastha, JM

When the matter is heard today it is noted by us that the applicant preferred an appeal against the impugned order of punishment issued by the disciplinary authority vide his order dated 11.10.96 on 23.10.1996, Annexure 'Q' to the application. And it is also noted that that appeal preferred on 23.10.96, Annexure 'Q' has not yet been disposed of by the respondents or the appellate authority. Mrs. Banerjee, learned advocate appearing on behalf of the respondents submits that the Department may not have received the said appeal dated 23.10.96 and she is not sure about the outcome of the appeal. We have considered the submissions of the learned counsel of both the parties. We find that the respondent did not mention in the reply that they did not receive the said letter dated 23.10.96, which has been filed by the applicant as appeal against the order of removal passed by the disciplinary authority on 11.10.96. However, we are of the view that if any appeal is received by the authority in any form that ought to have been disposed of by the respondents.

2. In view of the aforesaid circumstances we direct the respondents to dispose of the appeal dated 23.10.96 by passing appropriate orders in accordance with the rules within two months from the date of communication of this order. Be it mentioned here

that at the time of disposing of the appeal the appellate authority should consider whether the disciplinary authority was empowered under the rules to appoint a Board of Enquiry into the charges brought against the applicant and that point ~~ought to have~~ ^{should be} been taken consideration by the authority at the time of disposal of the appeal. The case is disposed of accordingly without passing any order as to cost.

G. S. Maingi
28.1.2000

(G. S. Maingi)

MEMBER (A)

D. Purkayastha
28.1.2000

(D. Purkayastha)

MEMBER (J)