

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

O.A. 1450 OF 1997

Date of order : 26.11.2001

Present : Hon'ble Mr. Justice G. L. Gupta, Vice-Chairman  
Hon'ble Mr. S. Biswas, Administrative Member

Jagadish Chandra Mondal,  
S/o Late J.N.Mondal,  
Retd. Dy. SS(Coml.), Dum Dum Jn.  
Residents : Purba Tantulberia,  
P.O. Panchpta, Dist. 24 Parganas(S)

Vs

1. Union of India through the  
General Manager, E.Rly.  
Fairlie Place, Calcutta
2. Chief Personnel Officer,  
E.Railway, Fairlie Place,  
Calcutta
3. Sr. Divl. Commercial Manager,  
E.Rly. Sealdah.
4. Divisional Railway Manager,  
E. Rly. Sealdah.

... Respondents

For the applicant : Mr.S.N.Mitra, Counsel  
Mr. P.K.Ghosh, Counsel

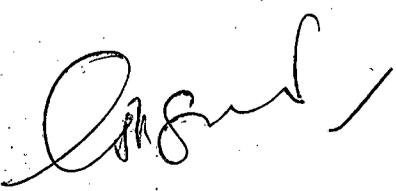
For the respondents : Mr. R.K.De, Counsel

O R D E R

Per Justice G.L.Gupta, V.C.:

Through this OA filed under section 19 of the A.T.Act, the applicant has called in question the disciplinary proceedings initiated against him vide charge-sheet dated 3.6.94 (annexure-C). It is noticed that after the initiation of the disciplinary proceedings, the applicant has retired from service and he has been given provisional pension under the order of this Tribunal.

2. It is also noticed that the disciplinary proceedings are still pending and no final order has been passed in the same. The respondents in their reply have taken a plea that since the OA has been admitted by this Tribunal, no progress could be made in the DA proceedings and that the applicant has not been cooperating with the D.E.



This contention of the respondents cannot be accepted that the DE could not be completed for the pendency of this OA. The Tribunal had not passed an order restraining the respondents from proceeding with the DE.

3. Ld. counsel for the applicant has argued that the enquiry officer had once submitted his report but the disciplinary authority did not agree with the same without assigning reasons and sent the matter for further enquiry and the new EO was nominated. It is noticed that the new enquiry officer has returned the papers on the plea that the time limit for completion of the enquiry had already expired. It is contended that the applicant cannot in any way be blamed for non-conclusion of the enquiry.

4. The allegations against the applicant are that because of fault on his part, the respondents have suffered heavy loss.. The amount of loss is said to be between three to four lakhs. It is obvious that the new enquiry officer did not proceed with the enquiry on the pretext that the time fixed to complete the enquiry had already expired.

5. Keeping in view the facts and circumstances of the case, we think it a fit case in which the respondents should be directed to complete the enquiry, within a fixed period. If within the said period fixed, the enquiry is not completed, the applicant shall have the right to approach this Tribunal for getting the charge sheet quashed.

6. Consequently, the respondents are directed to complete the enquiry proceedings as per rules within a period of three months from the date of communication of this order. In case the enquiry is not completed in all respects within the aforesaid period, the applicant shall be at liberty to approach this Tribunal as aforesaid.

