

In the Central Administrative Tribunal
Calcutta Bench

OA No.371 of 1997

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

Phanindra Nath Mukherjee

Vs.

Eastern Railway

For the Applicant : Mr. U.K. Das, Id. Advocate

For the Respondents: Mr. P.K. Arora, Id. Advocate

Heard on : 5-6-1998

Date of Order : 5-6-98

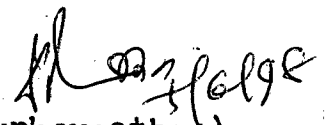
ORDER

When the case was taken up for admission, it is found that the applicant made a representation to the authority on 1-11-1996 (Annexure 'C' to the application) stating the grounds that while he was working as Khalasi under the respondents, he was placed under suspension w.e.f. 24.11.80 and subsequently a charge sheet was also filed against him w.e.f. 12.9.84 and that order of suspension was revoked w.e.f. 16.9.84. Thereby, he was transferred illegally from Liluah to Andal Car Shet i.e. from Electrical Department to Mechanical Department. Even after the revocation of his suspension order, he was not given all the arrears of salary and other allowances admissible to him as per rules laid down by the concerned railway till date. It is also alleged that during pendency of legal proceeding at CAT, Calcutta Bench, by an order dated 20.7.88 the applicant was issued with the order of removal from the service w.e.f. 20.7.88. Being aggrieved, the applicant approached this Tribunal and the Tribunal, after hearing both the parties, set aside the order of the disciplinary authority. But the applicant has not been paid the salary for the relevant period till date. That is why the applicant sought for

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remedy. I have gone through the order passed by this Tribunal and it is found that the impugned order was set aside by this Tribunal on condition that in case, respondents authority intends to proceed with against the applicant afresh, they must complete the disciplinary proceedings within six months, failing which such proceedings shall automatically lapse. According to the applicant, no proceeding has been initiated by the respondents against the applicant till date.

2. In view of the aforesaid circumstances, I think that it would be a fit case to issue direction upon the respondents to consider the representation of the applicant filed on 1.11.96 (Annexure 'C' to the application). Ld. Advocate Mr. Arora, appearing on behalf of the respondents, has no objection to pass such order. Respondents should dispose of the representation with a speaking and reasoned order within 4 months from the date of communication of this order. Applicant is given liberty to approach this Tribunal again if he is aggrieved by the said order of decision. The case is disposed of accordingly. No order is passed as regards costs.


(D. Purkayastha)
Member (J)