

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No OA 1064 of 1997

Date of Order: 1.12.2004

Present : Hon'ble Mr. Mukesh Kumar Gupta, Judicial Member
Hon'ble Mr. M.K. Misra, Administrative Member

BIRENDRA NATH SANBUI

VS.

UNION OF INDIA (R.P.F.C.)

For the applicant : Mr. S.K. Dutta, Counsel

For the respondents : Mr. K. Sarkar, Counsel

O R D E R (ORAL)

Mr. Mukesh Kumar Gupta, JM:

Pursuant to our order dated 23.11.2004, learned counsel for the respondents stated that the final decision on the Memorandum dated 4.12.96 under Rule 10 of Employees P.F. Staff (Classification, Control & Appeal) Rules 1971 would be conveyed to the applicant within a period of 15 days from the date of receipt of a copy of this order.


2. We may note that in the present application, the applicant who retired on attaining the age of superannuation on 31.8.97, has challenged the validity of the aforesaid departmental proceedings and also seeks direction to release pensionary benefits.

3. Since the charge sheet is pending, proceedings have not been finalised, there cannot be any direction regarding release of pensionary benefits at this stage, particularly when it is admitted that the applicant was in receipt of provisional pension. Since the enquiry report has already been furnished to the applicant & the applicant has submitted his representation, which in turn has not been finalised by the competent authority, we feel that the concerned

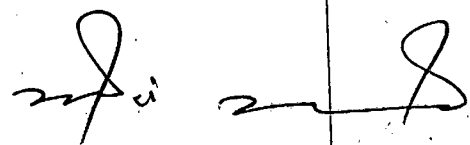
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authority should complete the proceedings within a period of 15 days. the present application is disposed of with direction that the final order on the said disciplinary proceedings shall be passed within a period of two weeks from the date of receipt of this order, failing which the proceedings initiated vide charge memorandum dated 4.12.96 shall abate. Accordingly, the application is disposed of. No costs.

4. It goes without saying that the applicant's pension and pensionary benefits would have to be regularised after the final order is passed in the above said disciplinary proceedings.



(M.K. Misra)
Member (A)



(Mukesh Kumar Gupta)
Member (J)

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