

In The Central Administrative Tribunal  
Calcutta Bench

CA.437 of 1997

Present : Hon'ble Mr. G.S. Maingi, Administrative

Anil Kumar Ghose

.... Applicant

- VS -

- 1) Union of India, service through the General Manager, Eastern Railway, 17, N.S. Road, Calcutta-1.
- 2) The Sr. Divisional Personnel Officer, Eastern Railway, Sealdah Division, P.O. Sealdah, Calcutta-14.

.... Respondents

For the Applicant : Mr. B. Mukherjee, Advocate

For the Respondents : None

Heard on : 8-5-2000

Date of Order : 8-5-2000

ORDER

This application has been filed under Section 19 of the Administrative Tribunals Act, 1985 by Shri Anil Kr. Ghose, retired employee of the Eastern Railway against the Union of India through the General Manager, Eastern Railway and Senior Divisional Personnel Officer, Eastern Railway regarding non-payment of retirement benefits of the applicant as also non-consideration of the representation made by the applicant to the railway authority.

2. It appears that the retirement benefits of the applicant have been withheld by the authority on account of disciplinary case ~~which~~ was lodged against the applicant and in respect of which the Enquiry Officer has since submitted his report to the respondents. The enquiry report was submitted by the Enquiry Officer vide his report dated 26.4.1995 and the Divisional Commercial

Contd....

Manager, Sealdah had addressed the applicant to submit his report/ <sup>esm representation</sup> enquiry report <sup>esm</sup> reply against the said representation within 10 days of receipt of this letter dated 26.4.1995. Thereafter, the applicant submitted his report <sup>representation</sup> on the enquiry report. But no progress <sup>esm has been</sup> was made in this regard and in the meantime the applicant retired from service in the year 1996. <sup>esm</sup>

3. Ld. Advocate Mr. Mukherjee appears on behalf of the applicant and submits that except provident fund, which has been paid to the applicant, no other retirement benefits have so far been received by the applicant. The period of 5 years has already elapsed from the date of submission of the enquiry report by the Enquiry Officer.

4. The respondents have not filed any reply to the application and no one has appeared on behalf of the respondents to-day. It appears that Ld. Advocate Mr. Samaddar was earlier representing the respondents; but since he is no longer on the panel of Eastern Rail-  
~~can be~~ way, has not appeared.

5. Ld. Advocate Mr. Mukherjee for the applicant has drawn my attention to the instructions issued by the Eastern Railway on 25.6.1986 (Annexure-A3 to the application) as also the instructions issued on 26.6.1987 regarding finalisation of the disciplinary proceeding within the specified period of time.

6. The applicant filed this application before this Tribunal in April, 1997 where his age is stated as 60. That means in 2000 now he is ~~aged~~ about 63 years. It is not understood as to ~~why~~ the <sup>when</sup> ~~has been~~ enquiry report was submitted and when the instructions of the Railway administration are there that the matter should be finalised quickly, no action has been taken in this case till now.

7. Considering all the facts of the applicant and as also the fact that no reply has been filed by the respondent, the application is disposed of by directing the General Manager of the Eastern

Railway to finalise the case of the applicant within two(2) months from the date of communication of this order. If the Disciplinary Authority fails to decide the matter within the time specified, it would be presumed that the case stands quashed against the applicant.

*G.S. Maingi*  
8-5-2000

( G.S. Maingi )  
Member(J)