

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH :: GUWAHATI :: 5.

ORIGINAL APPLICATION NO. 44/94 199

MISC. PETITION/CONTEMPT PETITION/REVIEW APPLICATION NO. \_\_\_\_\_ (O.A. \_\_\_\_\_)

Parimal Ghosh  
VERSUS

APPLICANT (S)

Union of India

RESPONDENT (S)

Mr. J.L. Sarkar

ADVOCATE FOR  
APPLICANT (S)

Mr. M. Chanda, Mr. A. Rachid

Mr. S. Ali, G.C.S.C.

ADVOCATE FOR  
RESPONDENT (S)

OFFICE NOTE

DATE

COURT'S ORDER

9.3.94

This application is in  
form No. \_\_\_\_\_

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Dated

4692.25  
12/2

By Registrar (J)

Heard learned counsel Mr J.L. Sarkar on behalf of the applicant, Shri Parimal Ghosh. Perused the statement of grievances and reliefs sought for in this application. Learned Sr. C.G.S.C. Mr S. Ali prays for four weeks time to get instructions from the respondents. Time allowed as prayed for.

List on 21.4.94 for consideration of admission and further orders

Heard counsel for the parties on the interim relief prayer. The operation of the impugned order No. RC 9G/1992 dated Barapani the 10.2.1994 (Annexure-7) issued by the Directorate ICAR, N.E. Region, Barapani, Meghalaya is stayed till consideration of admission.

Copy of the order may be furnished to the counsel of the parties.

By Order:

nkM

Member

Vice-Chairman

OFFICE NOTE

DATE

COURT'S ORDER

Order dt. 9.3.94 isd

vide M. 4070 21/07/2007 16.3.94

by  
16/4

20-4-94

Order cannot be  
filed by the respnt.

Bur.

21.4.94.

Learned counsel Mr J.L.Sarkar  
submits for disposal of this  
application.

List for consideration of admi-  
ssion and disposal on 27.4.94 in  
presence of learned Sr.C.G.S.C.  
Mr S.Ali.

Vice-Chairman

Member

acs

27.4.94.

Learned counsel Mr J.L.Sarkar  
submits for disposal of this appli-  
cation by quashing the order No.RC  
16/92 dated Barapani, the 10-2-94  
(Annexure-7) in view of Office Mem-  
orandum No.RC(G)16/92 dated Barapani  
the 17-2-94(Annexure-9)/disciplin-  
ary proceeding. Learned Sr.C.G.S.C.Mr  
Ali prays for two weeks time as 1  
chance to get instructions. Time  
allowed as prayed for.

List on 20/5/94 for orders.  
No further time will be all-

Vice-Chairman

Member

acs

20.5.94

Learned counsel Mr J.L.  
Sarkar submits to list this case on  
26.5.94 for coniser

OFFICE NOTE

DATE

COURT'S ORDER

20.5.94

Learned counsel Mr J.L. Sarkar submits to list this case on 26.5.94 for consideration of admission. Learned Sr. C.G.S.C. Mr S.Ali is present.

List on 26.5.94 for consideration of admission.

*[Signature]*  
Vice-Chairman

*[Signature]*  
Member

nkm,

*[Signature]*  
26.5.94

Learned counsel Mr J.L.Sarkar submits to list this case on 1.6.1 for consideration of admission. Sr C.G.S.C Mr S.Ali has no objection. ~~kixk~~ Adjourned.

List on 1.6.1994 for consideration of admission.

*[Signature]*  
Vice-Chairman

*[Signature]*  
Member

p9

1.6.94

Heard learned counsel Mr J.L. Sarkar for the applicant, Shri Parimal Ghosh. Perused the statement of grievances and reliefs sought for in this application. Also heard learned Sr. C.G.S.C. Mr S. Ali. We propose to dispose of this application at the admission stage.

O.A.No.41/94

OFFICE NOTE

DATE

COURT'S ORDER

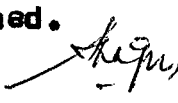
1.6.94

The applicant is an Assistant in ICAR Research Complex for NEH Region, Barapani. The authority has decided to recover an amount of Rs.73,262.58 P from his salary by 146 instalments vide order No.RC(G)192 dated 10.2.1994 (Annexure-7). Subsequently vide office memorandum No.RC(G)16/92 dated 17.2.1994 (Annexure-9), the respondents have initiated disciplinary proceeding against the applicant with specific charges for the incident in which the amount of Rs.73,262.58 P was involved. We find that the recovery order under Annexure-7 was summarily made without enquiry and decision as to the guilt of the accused. As specific disciplinary proceeding has now been initiated for the said incident, we find no justification to keep the order under Annexure-7 alive, which according to us is liable to be quashed.

Accordingly the order No.RC(G)16/92 dated 10.2.1994 (Annexure-7) deciding to recover Rs.73,262.58 P from the applicant is hereby quashed. The disciplinary proceeding under memorandum No.RC(G)16/92 dated 17.2.1994 (Annexure-9) with specific charges will proceed <sup>according</sup> to Rules.

This application is accordingly disposed of with the above order.

Inform all concerned.

  
Vice-Chairman

  
Member

nkm

14.6.94

Copy of order dt. 1.6.94  
issued to all concerned  
by Regd. Post and  
their counsel also  
vide S/No. 2607-11  
dt. 15.6.94



Copy of the order may be  
furnished to the counsel for  
the parties.

By Order:

