

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

ORIGINAL APPLICATION NO. 4494 199

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

Parimal Ghosh

APPLICANT (s)

VERSUS

Union of India vs.

RESPONDENT (s)

Mr. J. L. Sarkar

ADVOCATE FOR
APPLICANT (s)

Mr. M. Chanda, Mr. A. Razid.

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

ADVOCATE FOR
RESPONDENT (s)

OFFICE NOTE

DATE

COURT'S ORDER

9.3.94

This application is in
form of a notice.

4692/25
Dated 1/2/2

By Registrar (J)

10/2/94
OP

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.E. Mr S. Ali prays
for four weeks time to get instructions
from the respondents. Time allowed
prayed for.

List on 21.4.94 for consideration
of admission and further orders.

Heard counsel for the parties
the interim relief prayer. The operation
of the impugned order No. RC 9G/1
92 dated Barapani the 10.2.1994
(Annexure-7) issued by the Director
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

Parimal Ghosh

Vice-Chairman

OFFICE NOTE

DATE

COURT'S ORDER

Order d. 9.3.94 andvide No. RC(G) 16/92 dt. 16.3.94

b/15

20.4.94

Counsel cannot be
filed by the respdt.

Rwd

acs

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

27.4.94.

Learned counsel Mr J.L.Sarkar
submits for disposal of this applica-
tion by quashing the order No.RC
16/92 dated Barapani, the 10-2-94
(Annexure-7) in view of Office Mem-
randum No.RC(G)16/92 dated Barapani
the 17-2-94 (Annexure-9)/disciplina-
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

acs

Member

20.5.94

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

(2)

3

O.A.No.41/94

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.

High
Vice-Chairman

6
Member

nkm,

P2/35
26.5.94

Learned counsel Mr J.L. Sarkar submits to list this case on 1.6.1994 for consideration of admission. Sr. C.G.S.C Mr S.Ali has no objection.

list Adjourned.

List on 1.6.1994 for consideration of admission.

High
Vice-Chairman

6
Member

PG

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 ^{according} proceed according to Rules.

This application is accordingly disposed of with the above order.

Inform all concerned.

the 16/6/94
Vice-Chairman

6
Member

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

By Order:

16/6/94

nkm