

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH



No.O.A.350/00593/2015

Date of order : 16.11.2016

Present : Hon'ble Justice Mr. V.C. Gupta, Judicial Member
 Hon'ble Ms. Jaya Das Gupta, Administrative Member

ABHIJIT DUTTA

VS.

UNION OF INDIA & ORS.
 (SAIL)

For the applicant : Mr. B. Hazra, counsel

For the respondents : Ms. R. Basu, counsel

ORDER

Per Justice V.C. Gupta, J.M.

Heard Id. counsel for the applicant and Id. counsel for the respondents.

2. The applicant has filed this case under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:-

"8(a) An order do issue directing the respondents to cancel, rescind, withdraw and/or set aside the impugned enquiry report (Annexure – A/6 to this Application), impugned order of removal of the applicant from service(Annexure A/7 to this Application) and the impugned order rejecting the Appeal (Annexure A/9 to this Application) and the impugned order(Annexure A/10 to this Application) forthwith;

(b) An order do issue directing the respondents to allow the applicant to resume his duty in the post of Junior Technician in the employment of Durgapur Steel Plant, Blast Furnace Department forthwith;

(c) An order of Injunction restraining the respondents including their agents, servants, subordinates and/or employees from giving any effect or further effect to the impugned enquiry report(Annexure – A/6 to this Application), impugned order of removal of the applicant from service (Annexure A/7 to this application) and the impugned order rejecting the Appeal(Annexure A/9 to this Application) and the impugned order (Annexure A/10 to this Application) in any manner and in any form till the disposal of the Application;

(d) Interim order directing the respondents to allow the applicant to resume his duty in the post of Junior Technician in the employment of Durgapur Steel Plant, Blast Furnace Department forthwith."

3. The applicant in this case absented from duty without any leave application. Notice was issued to the applicant. The departmental enquiry was conducted for major penalty. The applicant did not participate in the enquiry proceedings despite service of charge sheet upon him. An order of removal was passed by the Disciplinary Authority on 15.01.2013(Annexure A/7 to the O.A.) against which the applicant preferred a representation. The appeal of the applicant was dismissed vide order dated 26.09.2013(Annexure A/9 to the O.A.). A revision petition was filed by the applicant which has also been turned down vide order dated 20.02.2014(Annexure A/10). Thereafter the applicant filed the present O.A. on 09.04.2015 seeking the aforementioned reliefs.

4. The O.A. appears to be barred by time and no application for condonation of delay has been moved by the applicant. It has been fairly conceded by the Id. counsel for the applicant that the order of removal has been communicated within the stipulated period, but he could not prefer appeal within time. Id. counsel for the applicant also submitted that the applicant was suffering from Schizophrenia and was hospitalized as a result of which he could not participate in the departmental proceedings, therefore, the disciplinary proceeding which was conducted against him, should be quashed and he should be given another opportunity to defend his case.

5. Admittedly the facts which the counsel for the applicant is placing before us, is a defence against the show cause/charge sheet issued by the Disciplinary Authority which could not be considered. Therefore, we are



refraining ourselves from making any comment thereon. Moreso, we find nothing illegal in passing the order of removal against the applicant. The applicant has already made a prayer to the authorities to reconsider his case. Hence, we are of the view that no interference is warranted at this stage. If the applicant is so advised, he should take recourse to the Disciplinary Authority, if permissible under the statutory rules.

6. With these observations, the O.A. is disposed of. No order as to cost.



(J. Das Gupta)
Administrative Member
sb



(Justice V.C. Gupta)
Judicial Member