

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH



No. O.A. 350/65/2018

Date of Order: 15.06.2018

Present: Hon'ble Ms. Manjula Das, Judicial Member

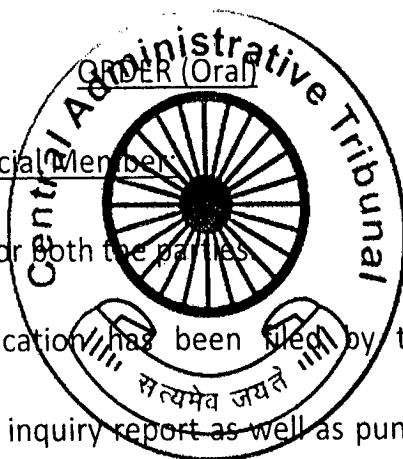
Abinash Kumar
Vs.
N.F. Railway

For the Applicant : Mr. B. Chatterjee, Counsel
Mr. J. Dutta, Counsel

For the Respondents : Mr. B.P. Manna, Counsel

Per Ms. Manjula Das, Judicial Member

Heard Id. Counsel for both the parties



2. This original application has been filed by the applicant against the memorandum of charge, inquiry report as well as punishment order imposed by the Disciplinary Authority vide order dated 16.11.2017 by which penalty was imposed of stoppage of his next increment for a period of 2 years and 11 months with cumulative effect.

3. It is submitted by the Id. Counsel for applicant that this case has been filed by challenging the punishment order along with other charges as well as inquiry report according to procedure laid down as per law.

4. On the other hand Mr. B. P. Manna, Id. Counsel for respondents submits that the applicant did not avail opportunity to make a statutory appeal before the Appellate Authority. As such the applicant be directed to make an appeal before the Appellate Authority, within a short time.

5. Mr. B. Chatterjee, Id. Counsel for applicant, however, argued that no statutory appeal has been made before the authority although he has approached before this Tribunal in the month of January, 2018 challenging the impugned order.

6. In my view, as the applicant has not yet made any statutory appeal, let the applicant avail the opportunity of making an appeal.

7. Accordingly, without going into the merits of this case, I direct the applicant to make a statutory appeal against the punishment order dated 16.11.2017 before the Appellate Authority, within a period of 10 days from the date of receipt of this order. On receipt of such appeal, the Appellate Authority by condoning the delay, if any, from the period of completion of 45 days from the date of receipt of the punishment order, on filing of the appeal, shall decide the appeal proposed to be made by the applicant.

8. Meanwhile, the punishment order dated 16.11.2017 shall not be given effect to, till the disposal of the appeal.

9. It is made clear that the decision so arrived shall be reasoned and speaking and shall be communicated to the applicant forthwith.

10. With the above observation and directions, OA stands disposed of. No order as to costs.

JN

(Manjula Das)
Member (J)

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