

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. OA 350/994/2017

Date of order : 9.2.2018

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

SUBRATA CHAKRABORTY

S/o Late Surendra Nath Chakraborty
Aged about 42 years,
Worked as Sr. Commercial Clerk
At Budge Budge Goods under
SS Budge Budge,
R/o 7/38F Bijoygarh,
Kolkata – 700032.

...APPLICANT

VERSUS

1. The General Manager,
Eastern Railway,
17 N.S.Road,
Kolkata – 700001.
2. The Chief Commercial Manager,
Eastern Railway,
17 N.S. Road,
Kolkata – 700001.
3. The Sr. Divisional Commercial Manager,
Eastern Railway;
Sealdah Division,
Sealdah
Kolkata – 700014.
4. The Divisional Commercial Manager,
Eastern Railway,
Sealdah Division,
Sealdah
Kolkata – 700014.

...RESPONDENTS.

For the applicant : Mr.K.Sarkar, counsel
Ms. A.Sarkar, counsel

For the respondents: None

O R D E R (ORAL)

Per Ms. Manjula Das, Judicial Member

Mr.K.Sarkar, ld. Counsel assisted by Ms. A.Sarkar, ld. Counsel appears for the applicant. None appeared for the respondents.

2. By making this OA under Section 19 of the Administrative Tribunals Act, 1985 the applicant has sought for the following reliefs :

- a) to issue direction upon the respondents and their men and agents to cancel, quash and set aside the impugned punishment order of compulsory retirement dated 3.4.2017 forthwith;
- b) to issue further direction upon the respondents and their men and agents to reinstate the applicant in his previous post with all arrears and other benefits forthwith;
- c) to produce connected departmental records at the time of hearing;
- d) to pass any other order or orders as the Hon'ble Tribunal deem fit and proper.

3. The brief fact of the case as narrated by Mr.Sarkar, ld. Counsel for the applicant is that the applicant joined the Railways on compassionate ground as Commercial Clerk w.e.f. 31.5.1006. Thereafter he got promotion as Senior Commercial Clerk on 22.9.2015. On 16.12.2015 the applicant was suspended in contemplation to the disciplinary proceedings. Major penalty charge sheet was issued to the applicant on 19.2.2016 by the Disciplinary Authority to which the applicant replied on 1.3.2016. The enquiry report was submitted on 22.12.2016 by the Enquiry Officer to which also the applicant gave reply on 15/18.1.2017. On 3.4.2017 the impugned order of compulsory retirement has been issued against the applicant. The applicant has made a representation on 17.5.2017 before the respondent authorities for early grant of pension and pensionary benefits. The said representation has not yet been disposed of. Hence the applicant has approached this Tribunal in the present OA.

4. It is submitted by the ld. Counsel for the applicant that for lack of knowledge the applicant did not make any appeal before the appropriate authority. As the matter involved major penalty and the applicant has not made an appeal, I hereby direct the applicant to make an appeal within 10 days from the date of receipt of the copy of this order. On receipt of such if so filed within time frame, the respondent authorities shall dispose of the appeal, within a period of one month thereafter. The decision so arrived shall be communicated to the applicant forthwith. The delay occurred in filing the appeal is hereby condoned.

5. The OA is accordingly disposed of. No order as to costs.

(MANJULA DAS)
JUDICIAL MEMBER

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