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**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, 234/4 A.J.C Bose Road Nizam Palace Kolkata**

ORDER SHEET

COURT NO. : 1

30.08.2018

O.A./350/1166/2018
(MENTIONED)ASIS KUMAR CHATTERJEE
-V/S-
EASTERN RAILWAY

ITEM NO:9

FOR APPLICANTS(S) Adv. : Mr. C.Sinha

FOR RESPONDENTS(S) Adv.: Mr. A.K.Guha

Notes of The Registry	Order of The Tribunal
	<p>Heard Mr. C.Sinha, Ld. Counsel for the applicant, and Mr. A.K.Guha, Ld. Counsel appearing for the Official Respondents, on whom a copy of the O.A. has been served.</p> <p>a) To set aside and quash impugned Charge Memorandum No. H/1140/OPN/DA/AKC/2017/10 dated 24.02.2017 issued by Sr. Divisional Electrical Engineer (OPN), Eastern Railway, Asansol.</p> <p>b) To set aside and quash Impugned Enquiry Report dated 24.03.2017 supplied under covering letter no. H/1140/OPN/DA/AKC/2017/10 dated 24.03.2017.</p> <p>c) To set aside and quash impugned punishment notice being no. H/1140/OPN/DA/AKC/2017/10 dated 10.04.2017 and Speaking Order dated 10.04.2017 issued by Sr. DEE/OPN/ER/ASN.</p> <p>d) to direct the respondents to reinstate the applicant into service with all consequential benefits.</p> <p>e) Any other order or orders as the Hon'ble Tribunal deems fit and proper."</p> <p>2. Brief facts of the case of the applicant are that the applicant while working as Electric Loco Pilot (Passenger) was issued with a major penalty Charge Memorandum Dated 24.02.2017. He submitted a reply dated 02.03.2017 to the said Charge Memorandum. Enquiry was conducted and the charges was established in terms of Enquiry Report dated 24.03.2017 against which applicant preferred a</p>

representation. A Punishment Order dated 10.04.2017 was issued against the applicant whereby he was compulsorily retired from Railway Service with only 90% of admissible benefits. Applicant preferred an appeal on 23.11.2017 (Annexure-A/7) before Respondent No.3 against the said Punishment Order but the same has not been considered and disposed of, for which he has moved this Tribunal in the present O.A.

3. Ld. Counsel for the applicant submitted that the grievance of the applicant may be redressed if a specific direction is given to Respondent No.3 to consider the said appeal under Annexure-A/7 within a specific time frame.

4. Taking into account the submissions made by Ld. Counsel for the applicant, I do not think that it will be prejudicial to either of the sides if this O.A. is allowed to be disposed of. Accordingly, without going into the merit of the matter, I dispose of this O.A. by directing Respondent No.3 to consider the appeal as at Annexure-A/7, if any such appeal has been preferred and is still pending consideration, and pass a reasoned and speaking order within a period of six weeks from the date of receipt of copy of this order.

5. Although, I have not expressed any opinion on the merit of the matter and all the points raised in the appeal petition, stated to have been made and is still pending consideration before Respondent No.3, will be considered as per Rules and Regulations in force, still then I hope and trust that if after such consideration the case of the applicant is found genuine then expeditious steps may be taken by the Official Respondents to redress his grievance within a further period of two months therefrom. However, I also make it clear that if in the meantime the said appeal under Annexure-A/7 has already been considered and disposed of then result of the same be communicated to the applicant within a period of two weeks from the date of receipt of this order.

6. With the aforesaid observation and direction, this O.A. stands disposed of. No costs.

7. As prayed for by Ld. Counsel for the applicant, copy of this order along with paperbook be transmitted to Respondent No.3 by Speed Post for which he undertakes to deposit the cost with the Registry by 03.09.2018.

8. Free copies of this order be handed over to the Lt.
Counsels for both the sides.

(A.K. PATNAIK)
MEMBER (J)

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