

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
KOLKATA



MA. 350/00093/2015
OA. 175 of 2013

Date of Order: 04.10.2016.

Present : Hon'ble Justice Shri. Vishnu Chandra Gupta, Judicial Member
Hon'ble Ms. Jaya Das Gupta, Administrative Member

Biswanath Das
Vs.
Posts

For the Applicant : Mr. N. Chatterjee, Counsel
For the Respondents : Mr. BP Manna, Counsel

O R D E R (Oral)

Per Justice Shri Vishnu Chandra Gupta, JM:

The applicant sought the following reliefs:

"8(i) to direct the respondents to cancel, withdraw and/or rescind the chargesheet dated 11.02.2013 as contained in Annexure "A-6" herein;

(ii) to direct the respondents not to withhold the retiral benefits, pensionary benefits and other service benefits of the applicants after his retirement from service on superannuation which is due on 31.03.2013;

(iii) to direct the respondents to produce the entire records of the case before this Hon'ble Tribunal for adjudication of the issues involved herein;

(iv) and to pass such further or other order or orders as to this Hon'ble Tribunal may deem fit and proper."

- 2. Heard both the parties and perused the records.
- 3. A memo of charges has been served to the applicant on 11.02.2013 having Memo No. FD/Misc-27/08/2011/B.Das. The perusal of the memo charges the departmental proceedings were initiated. Thereafter, the applicant filed this original application to quash the charges on several grounds. It has brought to our notice. The Inquiry Officer by now

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concluded the inquiry. Today, the ld. counsel on behalf of the respondents submitted the photostat copy of Inquiry Report dated 24.03.2015 submitted by Shri Tapan Kumar Das, I.O. by letter dated 12.09.2016. The Inquiry Officer did not find any charges proved against the applicant. According to the Inquiry Officer the charges for deposited of Rs. 40000/- on 12.09.1991 did not establish. The report has been submitted to the Disciplinary Authority as is evident from the letter dated 12.09.2016. As the matter has already been concluded by the Inquiry Officer and the matter has been sent to the Disciplinary Authority to take action in this regard.

4. Hence, we are of the opinion that the OA may be finally disposed of by issuing necessary direction in this matter.

5. Hence we direct the Disciplinary Authority to complete the exercise by taking a final decision on the Inquiry Report submitted by the Inquiry Officer on 24.03.2015, within a period of one month from the date of communication of this order. Till the decision is taken by the Disciplinary Authority, the provisional pension should have been paid, if not already paid till date.

6. If the Disciplinary Authority comes to this conclusion that he is not guilty and exonerated the applicant should be paid all the retiral dues, within a period of 6 months thereafter.

7. The miscellaneous application for grant of post retiral benefits is accordingly allowed in the aforesaid terms.

8. Accordingly, the MA and OA both are disposed of. No costs.

(Jaya Das Gupta)
Member (A)

Justice V.C. Gupta
Member (J)

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