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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH, CALCUTTA

O. A. No.350/0 1756 of 2015

RAJA CHATTERJEE, son of Late A.K. Chatterjee, aged about 41 years, working as Substitute Bungalow Peon to Dr. Surajit Bhattacharjee, ACMS/KGH/CLW and residing at Street No.41, Quarter No.1/20, Chittaranjan, District : Burdwan, Pin-713331.

... APPLICANT

V E R S U S

1. UNION OF INDIA, service through the General Manager, Chittaranjan Locomotive Works, Chittaranjan, District Burdwan, Pin-713331.
2. CHIEF PERSONNEL OFFICER, Chittaranjan Locomotive Works, Chittaranjan, District Burdwan, Pin-713331.
3. ASSISTANT NURSING OFFICER, KGH/CLW/Chittaranjan, Chittaranjan Locomotive Works, Chittaranjan, District Burdwan, Pin-713331.

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4. DEPUTY MEDICAL OFFICER,
KGH/CLW/Chittaranjan, Chittaranjan
Locomotive Works, Chittaranjan,
District Burdwan, Pin-713331.

... RESPONDENTS

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O.A.No.350/1756/2015

Date : 08.01.2018

Coram : Hon'ble Mr. A.K. Patnaik, Judicial Member

For the applicant : Mr.S.K. Datta, counsel
Mr. B. Chatterjee, counsel

For the respondents : Mr. M.K. Bandyopadhyay, counsel

ORDER

A.K. Patnaik, Judicial Member

The instant O.A. has been filed by the applicant challenging the acts or omissions on the part of the authority concerned in issuing the Memorandum of Charge Sheet No. Med/DAR/R.C/2015 dated 21.09.2015 under Rule 9 of the Railway Servants (Discipline & Appeal) Rules, 1968.

2. Heard Mr. S.K. Datta/ leading Mr. B. Chatterjee, Id. Counsel for the applicant. Id. counsel for the respondents Mr. M.K. Bandyopadhyay is also present and heard.

3. In the O.A., the applicant has prayed for the following reliefs:-

- (a) " An order quashing and/or setting aside the impugned Charge Sheet dated 21.09.2015 and any further proceeding held thereunder;
- (b) An order directing the respondents to grant all consequential benefits to the applicant;
- (c) An order holding that the Charges leveled against the applicant are not maintainable in law as well as on facts in view of the facts and grounds stated in paragraphs 4 and 5 hereinabove;
- (d) An order directing the respondents to produce/cause production of relevant documents as deemed necessary for the purpose of proper adjudication of the case;
- (e) Any other or further order or orders or direction as Your Lordships may deem fit and proper;
- (f) Costs."

4. Id. counsel for the applicant, Mr. S.K. Datta submitted that the applicant has been illegally proceeded by the respondent authorities by issuing an illegal

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charge sheet dated 21.09.2015 and the charges levelled against the applicant are totally vague, baseless and motivated as those allegations do not constitute any misconduct in the eye of law. He further submitted that though the applicant sent a detailed reply dated 16.10.2015(received by the authority on 17.10.2015), the authority concerned was bent upon proceeding further with the Charge Sheet, therefore, the applicant was left with no other alternative but to approach this Hon'ble Tribunal for the ends of justice.

5. On being questioned as to what happened to the representation of the applicant dated 16.10.2015 (Annexure A/3) filed by the applicant to the Respondent No.3 i.e. the Assistant Nursing Officer, KGH/CLW/Chittaranjan, Chittaranjan Locomotive Works, Chittaranjan, Mr. Datta, Id. Counsel for the applicant submitted that instead of considering the said representation and communicating the result thereof, the respondents proceeded with a disciplinary proceeding and, therefore, the applicant is facing unnecessary humiliation and harassment.

6. I do not think that this matter can be adjudicated at this juncture because no final order has been passed by the official respondents. Therefore, while disposing of this O.A. the Respondent No.3 i.e. the Assistant Nursing Officer, KGH/CLW/Chittaranjan, Chittaranjan Locomotive Works, Chittaranjan is directed to consider and decide the representation of the applicant dated 16.10.2015(Annexure A/3) as per rules and regulations governing the field within a period of 4 weeks from the date of receipt of a copy of this order and communicate the result to the applicant within a further period of two weeks from the date of taking decision in the matter. The respondent authorities are further directed not to proceed with the departmental proceeding initiated

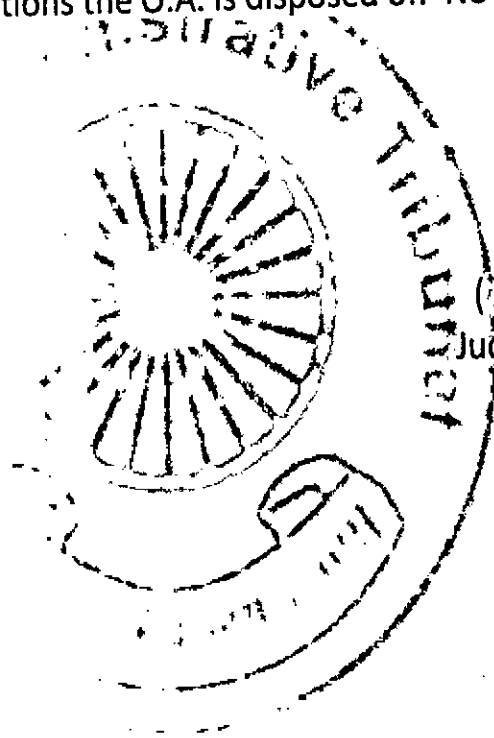
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against the applicant vide charge sheet dated 21.09.2015 for a further period of 4 weeks from the date of communication of the result to the applicant.

7. It is made clear that I have not gone into the merits of the case and all the points raised in the representation of the applicant are kept open for consideration by the respondent authorities as per rules and guidelines governing the field.

8. A copy of this order be given to Id. Counsel for the applicant. The applicant will be at liberty to bring it to the notice of the official respondents.

9. With the above observations the O.A. is disposed of. No order as to cost.



(A.K. Patnaik)
Judicial Member

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