

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH, KOLKATA

REGN. NO.: OA/350/00171/2014



Reserved on - 30.01.2018

Date of Order - 6.2.18

C O R A M

HON'BLE MRS. BIDISHA BANERJEE, MEMBER (JUDL.)

HON'BLE MRS. JAYA DAS GUPTA, MEMBER (ADMN.)

.....

Raj Kumar Yadav, aged about 53 years, son of Late Ram Kripal Yadav, working for gain to the post of Tower Wagon Driver, Grade I, under the Divisional Railway Manager, Eastern Railway, Asansol, residing at Quarter No.26, Station Colony, Panagar District-Burdwan 713 148.

.....Applicant.By Advocate:- None

Vs.

1. The Union of India, service through the General Manager, Eastern Railway, Fairley Place, 17, N.S.Road, Kolkata-700 001.
2. The General Manager, Eastern Railway, Fairley Place, 17, N.S.Road, Kolkata-700 001.
3. The Divisional Railway Manager, Asansol Division, Eastern Railway, District-Burdwan-713 148.
4. The Senior Divisional Electrical Engineer/TRD, eastern Railway, Asansol Division, District-Burdwan-713 148.
5. The Senior Section Engineer (OHE)/TRD, Eastern Railway, Asansol Division, District-Burdwan-713 148.
6. Sri M.C.Mondal, the Senior Section Engineer (OHE)/TRD, Eastern Railway, Asansol Division, District-Burdwan-713 148.

.....Respondents.By Advocate :- Mr. A.K.Guha.O R D E R

Per Bidisha Banerjee, Member [Judl.] :- None appeared on behalf of the applicant despite repeated calls. Since this is a matter of 2014, Rule 15(1) of CAT (Procedure) Rules, was invoked to decide the

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matter on the basis of pleadings. However, later on written notes were submitted by learned counsel for the applicant.

2. Learned counsel for the respondents was present and was heard.

3. This application was filed seeking the following reliefs:-

"(a) A DIRECTION do issue setting aside the charge sheet dated 12.12.2012 being Annexure-A/2 hereto;

(b) A DIRECTION do issue setting aside the report of the inquiry officer dated 14/15.01.2014 being Annexure-A/10 hereto;

(c) DIRECTION do issue upon the respondent authorities directing them/their agents and/or subordinates to produce the records of the case and on such production being made to render consonable justice by passing necessary orders thereon;

(d) DIRECTION do issue upon the respondent authorities directing them/their agents and/or subordinates to pay salaries month by month to the applicant pending disposal of the instant application;

(e) Costs of and incidental to this application;

(f) And/or to pass such other or further order or orders as to your Lordships may deem fit and proper."

4. The reply filed by the respondents on 11.04.2014 reveals that a penalty of removal from service was inflicted upon the applicant on 10.02.2014 and he was given liberty to prefer appeal to the ADRM.

5. The applicant has used a rejoinder on 25.04.2014 which does not disclose whether any appeal was ever preferred to the Appellate Authority.

6. Applicant has preferred no Misc. Application to challenge the penalty order or sought for liberty to prefer any appeal.

7. On 11.02.2014 this Tribunal directed status quo to be maintained unaware of the factum of imposition of penalty upon the applicant vide order dated 10.02.2014.

8. In the written submissions much have been stated about the merits of the charges leveled and proceedings held which needs to be gone into by the Authorities first.

9. In the aforesaid circumstances, it is felt that justice ^{interest of} _{pwb -} would be served if a liberty to prefer an appeal is granted.

Accordingly, liberty is granted to the applicant to prefer an appeal within 15 days from the date of receipt of a copy of this order which shall be disposed of by the Appellate Authority within two months of its receipt.

10. The OA, accordingly, stands disposed of. No costs.

(Jaya Das Gupta)
Member (Admn.)

(Bidisha Banerjee)
Member (Judl.)

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