

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH, KOLKATA
(CIRCUIT BENCH AT PORT BLAR)

No. OA. 351/00278/2018

Date of order : 25.06.2018

Present : Hon'ble Mr. S.K. Pattnaik, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

B BHASKAR RAO

Versus

NAVODAYA VIDYALAYA SAMITI & ORS.

For the Applicant : Mr. K. Rao, Counsel

For the Respondents : Mr. S.K. Mondal, Counsel
Mr. S.C. Misra, Counsel

O R D E R (Oral)

Per Dr. Nandita Chatterjee, Administrative Member:

The instant application has been filed by the applicant seeking the following relief:

"8.(a) To set aside and quash the Memorandum No.5-130/JNV (MA) 05-06/833 dated 17/01/2010 issued by the Disciplinary Authority against your petitioner.

(b) To set aside and quash the Order passed by the Disciplinary Authority i.e. the Principal, Jawahar Navodaya Vidyalaya vide No.1 33/JNV (N&MA)/ 09-10 /228 DATED 09-06-2016.

(c) To pass an order directing the appellate authority to disposed of the appeal preferred by the applicant against the order passed by the disciplinary authority vide no. 1-33/JNV(N&MA)/ 09-10/228 dt: 09-06-2016 within specific period of time.

(d) To pass an order directing the respondent authorities to reinstate the service of your applicant and to grant all consequential benefits to the applicant.

(e) To pass such other order or orders as this Hon'ble Court may deem fit and proper in the interest of justice."

2. Ld. Counsel for the applicant and respondents are both present and heard.

3. The case, in brief, as submitted by Ld. Counsel for the applicant, is that a Memorandum dated 27.01.2010 had been issued to the applicant on three charges (Annexure A-1 to the OA). That, an enquiry was conducted thereafter in which the applicant had participated and the enquiry officer had submitted his enquiry report on 17.07.2013 concluding that charges had been proved. The Disciplinary Authority thereafter, vide order dated 31.12.2013, passed his orders removing the applicant from his service and relieving him permanently with effect from 31.12.2013. The applicant had preferred an appeal (Annexure A-9 to the O.A.) dated 04.02.2014 but the Appellate Authority disposed of the appeal vide order dated 21.04.2014 (Annexure A-10 to the OA) upholding the orders of the disciplinary authority.

4. Being aggrieved, the applicant approached to the Hon'ble High Court, Kolkata in WP 135 of 2014 and the Hon'ble High Court allowed the matter to be withdrawn with liberty to file the same before the Central Administrative Tribunal. The applicant accordingly filed an O.A. 168 of 2014 before the Central Administrative Tribunal which passed an order on 11.04.2016 directing the disciplinary authority to reconsider the punishment as removal order was not proportionate to the charges proved against the applicant. The Disciplinary Authority, thereafter, in compliance to the order

of the Tribunal, passed an order on 09.06,2016 (Annexure A-13 to the OA) whereby the order of punishment was modified to that of compulsory retirement.

5. Ld. Counsel for the applicant further submitted that the JMFC at Mayabunder had also disposed of GR 127 of 2009 (Annexure A-15) filed under Section 498(A), 504, 506 of IPC and with respect to Section 4 of Dowry Prohibition Act, 1961, acquitting the applicant from the case.

6. In the meanwhile, the applicant had preferred an appeal dated 26.07.2017 to the Appellate Authority against the punishment of compulsory retirement as issued by the disciplinary authority vide orders dated 09.06.2016. The said appeal is pending till date. Accordingly, Ld. Counsel for the applicant submits that the purpose of the applicant will be served if directions are issued to the Appellate Authority to dispose of the same within a specific time frame.

7. Ld. Counsel for the respondents submits that he has no objection to the prayer of the applicant.

8. Accordingly, without entering into the merits of the case and if not disposed of earlier, we direct the appellate authority, namely Respondent No.2 in this OA. to pass a reasoned and speaking order in accordance with law, upon the appeal of the applicant dated 26.06.2016 within a period of 6 weeks from the date of receipt of this order and to communicate the decision forthwith to the applicant.

9. Accordingly, O.A. is disposed of. No costs.

(Nandita Chatterjee)
Member (A)

(S.K. Pattnaik)
Member (J)

DRH