



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

KOLKATA BENCH, KOLKATA

O. A. No.350/00 495 of 2018

BISWAJIT HAZRA, son of Late Pran Krishna Hazra, aged about 47 years, working as Technician Grade-I/TRS/Tikiapara, Running Repair Section, EMU Car Shed, South Eastern Railway, Tikiapara, residing at Village Andulia, P.O. Mecheda, P.S. Kolaghat, District : Purba Medinipur, Pin-721137.

... APPLICANT

V E R S U S

1. UNION OF INDIA, service through the General Manager, South Eastern Railway, Garden Reach, Kolkata-700043.

2. THE CHIEF PERSONNEL OFFICER, South Eastern Railway, Garden Reach, Kolkata-700043.

3. THE ADDITIONAL DIVISIONAL RAILWAY MANAGER, South Eastern

Railway, Kharagpur Division,
Kharagpur, District : Paschim
Medinipur, Pin-721301.

4. **THE SENIOR DIVISIONAL
ELECTRICAL ENGINEER (TRS), EMU
Car Shed, Tikiapara, South Eastern
Railway, Tikiapara, District : Howrah,
Pin-711101.**

5. **THE ASSISTANT DIVISIONAL
ELECTRICAL ENGINEER (TRS), EMU
Car Shed, Tikiapara, South Eastern
Railway, Tikiapara, District : Howrah,
Pin-711101.**

... RESPONDENTS

WJ

No. O.A. 350/00435/2018

Date of order: 18.4.2018

Present: Hon'ble Mr. A.K. Pattnaik, Judicial Member

For the Applicant : Mr. B. Chatterjee, Counsel

For the Respondents : None

ORDER (Oral)**A.K. Pattnaik, Judicial Member:**

Heard Mr. B. Chatterjee, Ld. Counsel for the applicant.

2. This Original Application has been filed by the applicant under Section 19 of the Administrative Tribunal Act, 1985 seeking the following relief:-

- "a. To quash and set aside the Memorandum of Charge Sheet dated 13.2.2014 issued by respondent authorities;
- b. To quash and set aside the Speaking order No. RS/TPKR/D&A/SF-11/BH/293/425 dated 28.2.2014;
- c. To quash and set aside the Show Cause Notice dated 7.5.2014;
- d. To quash and set aside the Order of Enhancement of Penalty dated 18.6.2014;
- e. An order directing the respondent authority to consider the Review Petition dated 6th November, 2017 filed against the Order of the Appellate Authority within a stipulated period;
- f. An order holding that the entire Disciplinary Proceedings initiated against the applicant is bad in law and should be quashed and set aside and pay all consequential and monetary benefits as entitled by the applicant.
- g. To produce all records pertaining to the impugned disciplinary proceedings;
- h. Costs;
- i. Any other or further order or orders or direction as Your Lordships may deem fit and proper."

3. As submitted by Mr. Chatterjee, Ld. Counsel for the applicant, the applicant was served with a Memorandum of Charge Sheet (Minor Penalty) under Rule 11 of RSDA Rule, 1968 on 13.2.2014. He submitted a representation against the said chargesheet on 24.2.2014. Thereafter the respondent authorities issued another minor penalty charge sheet on 28.2.2014. He preferred a mercy appeal before the appellate authority on 17.4.2014. The appellate authority rejected his appeal and issued a show cause notice proposing to enhance the penalty. In reply to the said show cause notice he preferred a representation.

Thereafter the appellate authority issued an order enhancing his penalty. On 6.11.2017 he preferred a Review Petition, which is still pending consideration.

4. Mr. Chatterjee, Ld. Counsel for the applicant submitted that the grievance of the applicant would be more or less addressed if a specific order is passed by directing the concerned authority i.e. respondent No. 3 to dispose of the review petition dated 6.11.2017 within a specific time frame.

5. Therefore, I dispose of this O.A. by directing the respondent No. 3 that if any such review petition as claimed by the applicant has been preferred on 6.11.2017 and the same is still pending consideration, then the same may be considered and disposed of within a period of 6 weeks from the date of receipt of this order.

6. Though I have not entered into the merits of the case, still then I hope and trust that after such consideration if the applicant's grievance is found to be genuine then expeditious steps may be taken by the concerned respondent No. 3 within a further period of 6 weeks from the date of such consideration to extend the benefits to the applicant. However, if in the meantime the said representation stated to have been preferred on 6.11.2017, has already been disposed of then the result thereof be communicated to the applicant within a period of 2 weeks from the date of receipt of a copy of this order.

7. With the aforesaid observation and direction, the O.A. is disposed of.

8. As prayed for by Mr. Chatterjee, Ld. Counsel a copy of this order along with paper book be transmitted to the respondent No. 3 by speed post for which Mr. Chatterjee undertakes to deposit necessary cost in the Registry by the next week.


(A.K. Patnaik)
Judicial Member