

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. OA 350/00518/2016

Date of order : 16.6.2016

Present: Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Ms. Jaya Das Gupta, Administrative Member

SUCHITRA BHATTACHARYA

VS

UNION OF INDIA & ORS. (E.RLY.)

For the applicant : Mr. U. Roy, counsel
Mr. S. Nandy, counsel

For the respondents : Mr. S. K. Das, counsel

O R D E R (ORAL)Ms. Bidisha Banerjee, J.M.

Heard ld. Counsel for the parties.

2. In view of the order passed by this Tribunal in OA 349/13 the respondents were bound to pay amount of suspension allowance for the period the applicant was kept on suspension after withdrawing the compulsory retirement order. It appears vide notice dated 9.10.15 further enquiry was proposed to be held on 28.10.15. The enquiry was closed ex parte.

3. It is the grievance of the applicant that despite the order of this Tribunal directing re-instatement, on suspension and re-enquiry, the respondent authorities have not released the suspension allowance for the period of suspension, pending such enquiry, due to which she could not attend the venue of enquiry.

4. However the fact remains that the enquiry has been concluded with a final Enquiry Report forwarded to the Disciplinary Authority for taking appropriate action and no final order has been issued as yet.

5. Ld. Counsel for the applicant makes a prayer that since she was prevented from attending the enquiry, the copy of the Enquiry Report should be furnished to her so that she can challenge the same. It is for the Disciplinary Authority to forward the report, if he wishes to inflict any penalty

on the basis of report and therefore no order is required from this Tribunal. In case any final order has already been passed by the Disciplinary Authority, the same shall be forwarded to the applicant.

6. In regard to grant of suspension allowance the respondents are legally bound to release the same while she was kept on suspension in terms of the order passed by the Tribunal in 349/13.

7. The OA is therefore disposed of with a direction upon the respondents to release the suspension allowance w.e.f. the date the applicant was compulsorily retired and disburse the payments within one month from the date of communication of this order, if not already paid.

8. It goes without saying that they shall continue payments month by month and every month so long no final order is passed in the departmental proceedings. No order is passed as to costs.

(JAYA DAS GUPTA)
MEMBER (A)

in

(BIDISHA BANERJEE)
MEMBER (J)