



CENTRAL ADMINISTRATIVE TRIBUNAL  
KOLKATA BENCH, KOLKATA

No. O.A. 350/00214/2019

Date of order: 14.2.2019

Present : Hon'ble Dr. Nandita Chatterjee, Administrative Member

Subhasish Singha Roy,  
Son of Late Gourango Bhushan Roy,  
Aged about 58 years,  
Working as Sr. Commercial Clerk at  
Birnagar Rly. Station under  
The Station Manager,  
Birnagar Rly. Station,  
Sealdah Division,  
Eastern Railway,  
Residing at 16E, Sitala Bari Road,  
East Chandmari,  
P.O. – Nonachandanpukur,  
Barrackpore,  
Kolkata – 700 122, Dist. – 24- Pgs. (N).

.. Applicant

- VERSUS -

1. Union of India through the  
General Manager,  
Eastern Railway,  
17, N.S. Road,  
Kolkata – 700 001.
2. The Senior Divisional Personnel Officer,  
Sealdah Division,  
Eastern Railway,  
Sealdah,  
Kolkata – 700 014.
3. The Senior Divisional Commercial Manager,  
Sealdah Division,  
Eastern Railway,  
Sealdah,  
Kolkata – 700 014.
4. Sri Tarakeswar Singh,  
CTI/OS & Enquiry Officer,  
Eastern Railway,  
Sealdah,  
Kolkata – 700 014.

.. Respondents

For the Applicant : Mr. K. Sarkar, Counsel

For the Respondents : Mr. B.K. Roy, Counsel

ORDER (Oral)

Per Dr. Nandita Chatterjee, Administrative Member:

The instant Original Application has been filed under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:-

- (i) To direct the respondents to cancel, withdraw and/or rescind the chargesheet dated 4.8.2014 as contained in Annexure "A-1" herein;
- (ii) To direct the respondents to cancel, withdraw and/or rescind the preliminary enquiry notices dated 4.8.2015, 14.1.2016, 7.7.2016, 30.8.2016 and 31.12.2018 as contained in Annexure "A-4" herein collectively;
- (iii) To direct the respondents to allow the applicant to retire from service voluntarily in terms of Rule 48 of CCS (Pension) Rules, 1972, on the ground of incurable illness of the applicant;
- (iv) To direct the respondents to deal with and/or dispose of the representations of the applicant dated 18.8.2015 & 17.12.2018 as contained in Annexure "A-5" & "A-8" herein respectively for retirement from service of the applicant voluntarily;
- (v) To direct the respondents to produce the entire records of the case before this Hon'ble Tribunal for effective adjudication of the issues involved herein;
- (vi) And to pass such further or other order or orders as to this Hon'ble Tribunal may deem fit and proper."

2. Heard both sides, examined documents on record. The matter is taken up at the admission stage.

3. Ld. Counsel for the applicant submits that he wishes to press for the relief at 8(iii), namely, to direct the respondents to allow the applicant to retire from service voluntarily in terms of Rule 48 of CCS (Pension) Rules, 1972, on the ground of incurable illness of the applicant and that the applicant would be fairly satisfied if the respondent authorities are directed to pass an order in a time bound manner on his notice for voluntary retirement as served by the applicant on 17.12.2018 (Annexure A-8 to the O.A.).

4. Ld. Counsel for the respondents does not object if the authorities are directed to consider the applicant's representation in accordance with law.

5. Accordingly, with the consent of the parties and, without entering into the merits of the matter, I direct the respondent No. 3, namely, the Senior Divisional

Commercial Manager, Sealdah Division, Eastern Railway, Sealdah, to whom the said representation has been addressed, to examine the contents of such representation dated 17.12.2018, if received at his end, and to dispose of the same in the form of a reasoned and speaking order, in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. Decision arrived at should be communicated to the applicant forthwith.

6. With these directions, the O.A. is disposed of. No costs.

(Dr. Nandita Chatterjee)  
Administrative Member

SP

