

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**LIBRARY**

No. O.A. 350/00144/2019

Date of order : 14.2.2019

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

Ajeet Kumar,
 S/o Raghunath Prasad,
 Aged about 24 years,
 Ex. Telephone Attendant and Dak Khalashi (TADK),
 Since removed from service under
 CELE/S.E. Railway/GRC
 At present residing at
 Block No. 105/8, Unit H, S.E. Rly. South Colony,
 Garden Reach,
 Kolkata – 700 043.

.. Applicant

- V E R S U S -

1. Union of India through General Manager,
 South Eastern Railway,
 Garden Reach,
 Kolkata – 700 043.
2. Principal Chief Personnel Officer,
 South Eastern Railway,
 Garden Reach,
 Kolkata – 700 043.
3. Principal Chief Electrical Engineer,
 South Eastern Railway,
 Garden Reach,
 Kolkata – 700 043.
4. Chief Electrical Loco Engineer,
 South Eastern Railway,
 Garden Reach,
 Kolkata – 700 043.
5. Divisional Electrical Engineer (TRS/SRC),
 South Eastern Railway,
 Santragachi,
 Pin –
6. Deputy Chief Electrical Engineer (Loco)/HQ,
 South Eastern Railway,
 Garden Reach,

hnb

Kolkata – 700 043.

7. Assistant Divisional Electrical Engineer (G),
South Eastern Railway,
Garden Reach,
Kolkata – 700 043.

.. Respondents

For the Applicant : Mr. C. Sinha, Counsel

For the Respondents : Ms. G. Roy, Counsel

O R D E R (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:-

- "(a) To set aside and quash impugned Charge Memorandum No. CEE/GA/59/514/Pt.II dated 19.6.2018 was issued by Assistant Divisional Electrical Engineer (G), Garden Reach.
- (b) To set aside and quash impugned Enquiry Report dated 7.9.2018 as served under covering letter dated 13.9.2018.
- (c) To set aside and quash impugned Punishment Order No. TRS/SRC/E/226/D&A/SF-5/2374 dated 21.11.2018.
- (d) To direct the respondents to reinstate the applicant in the post of Telephone Attendant-cum- Dak Khalasi (TADK) with all consequential benefits along with full pay and allowances.
- (e) Any other order or orders as the Hon'ble Tribunal deems fit and proper."

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

3. Ld. Counsel for the applicant submits that the applicant was appointed with the respondent authorities and given temporary status w.e.f. 21.1.2017. The applicant was served with a charge memorandum dated 19.6.2018 on grounds of unauthorized absence and upon conduct of enquiry, the applicant was removed from service w.e.f. 21.11.2018. Although an appeal has been preferred before the appellate authority, the same has not been disposed of and hence the O.A.

Ans

Ld. Counsel for the applicant further submits that the applicant would be fairly satisfied if the appellate authority is directed to dispose of the appeal of the applicant dated 13.12.2018 (Annexure A-15 to the O.A.) in a time bound manner.

4. Ld. Counsel for the respondents does not object to consideration of the appeal 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. 6, namely, the Deputy Chief Electrical Engineer (Loco)/HQ, South Eastern Railway, Garden Reach, Kolkata and the appellate authority, to whom the said appeal has been addressed, to examine the contents of the appeal preferred by the applicant on 13.12.2018. The appeal, if received at the end of the appellate authority, will be disposed of in the form of a reasoned and speaking order, in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. Decision arrived at should be communicated forthwith to the applicant.

6. With these directions, the O.A. is disposed of with liberty to the applicant to agitate appropriate in case his grievance persists after disposal of the appeal by the appellate authority.

No costs.

(Dr. Nandita Chatterjee)
Administrative Member

SP