

LIBRARY

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH.

O. A. No. 350/1799 of 2018.

Jay Prakash Swamy, son of late
Govind Swamy aged about 35
years, working as Enquiry-cum-
Reservation Clerk posted at
Reservation Office, Metiaburuz
South Eastern Railway, F 70
Garden Reach Road, Kolkata- 700
024, residing at 41 T/6 Unit-C,
South Eastern Railway Colony,
Garden Reach, Kolkata- 700 043.

...Applicant.

-Vs-

1. Union of India through the General
Manager, South Eastern Railway,
Garden Reach, Kolkata- 700 043.
2. The Principal Chief Personnel Officer,
South Eastern Railway, Garden
Reach, Kolkata- 700 043.

WAL

3. The Principal Chief Commercial Manager, South Eastern Railway, 14, Strand Road, 8th Floor, Kolkata-700001.
4. The Chief Commercial Manager (PS&CATG), South Eastern Railway, 14, Strand Road, Kolkata-700001.
5. The Deputy Chief Commercial Manager (Special), South Eastern Railway, 14, Strand Road, Kolkata-700 001.
6. The Deputy Chief Commercial Manager (Passenger Service), South Eastern Railway, 14, Strand Road, Kolkata- 700 001.

... Respondents.

BAE



CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A. 350/1799/2018

Date of Order: 19.12.2018

Coram: Hon'ble Mr. A.K Patnaik, Judicial Member

Joy Prakash Swamy-vs- U.O. I. & Ors.

For the Applicant(s): Mr. S. K. Dutta , Counsel

For the Respondent(s): Mr. A. K. Banerjee, Counsel

ORDER (ORAL)

A.K Patnaik, Member (J):

Heard Ld. Counsel for both the parties, in extenso.

2. This O.A. has been filed under Section 19 of the Administrative Tribunals Act, 1985 with the following prayers:

- a. An order quashing and/or setting aside the impugned Memorandum of Charge Sheet dated 16.04.2018 as well as the Order of Penalty dated 01.05.2018.
- b. An order directing the respondents to grant all consequential benefits the applicant would have been entitled to had there been no Disciplinary Proceeding as well as the order of Penalty against the applicant within a period as to this Hon'ble Tribunal may seem fit and proper.
- c. An order directing the respondents to produce/cause production of all relevant records.
- d. Any other order or further order/orders as to this Hon'ble Tribunal may seem fit and proper.

3. The brief case of the applicant as enumerated by the Ld. Counsel for the applicant is that the applicant was appointed as ECRC in S.E. Rly. in the year of 2011. Ld. Counsel for applicant submitted that all on a sudden the applicant has been served a Memorandum dated 16.04.2018 as well as penalty order dated 01.05.2018 without any reason. Thereafter he preferred an appeal on 08.05.2018



under Annexure A/5 to Respondent No. 4 but that has not yet been considered. He further submitted that the grievance of the applicant may be redressed, if the Respondent No. 4 is directed to consider his appeal within a specific time frame.


4. Having heard Ld. Counsel for both the parties, without going into the merit of the matter, I dispose of this O.A. by directing Respondent No. 4 to consider the appeal of the applicant under Annexure A/5, if the same has been filed and is pending for consideration, and pass a reasoned and speaking order as per rules and regulations in force within a period of six weeks from the date of receipt of copy of this order. I make it clear that if after such consideration the applicant's grievance is found to be genuine then he may be given the consequential benefit within a further period of six weeks. I also make it clear that if in the meantime the said appeal has already been disposed of then the result thereof be communicated to the applicant within two weeks.

5. I make it clear that while considering such appeal the applicant will be granted liberty of personal hearing.

6. With the aforesaid observation and direction, this O.A. stands disposed of at the admission stage. No costs.

7. As prayed for by the Ld. Counsel for the applicant, copy of this order, along with paperbook be transmitted to Respondent No. 4 by Speed Post, for which, he undertakes to deposit the cost with the Registry within a week.

8. Copies of this order be handed over to the Ld. Counsel for the parties.


(A.K. Patnaik)
Member (J)