

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
KOLKATA

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OA. 760 of 2012

Date of Order: 22.02.2016.

Present : Hon'ble Justice Shri Vishnu Chandra Gupta, Judicial Member
Hon'ble Ms. Jaya Das Gupta, Administrative Member

Sudhansu Dutta
Vs.
Union of India & Ors. (K.V.S.)

For the Applicant : Mr. C. Sinha, Counsel

For the Respondents : Mr. RN Bag, Counsel

ORDER (Oral)

Per Justice Shri Vishnu Chandra Gupta, JM:

This application has been filed seeking the following reliefs:

"8(i) An order quashing and/or setting aside the impugned Charge Memorandum dated 29.04.2004, Enquiry report dated 24.07.2009, Order dated 28.10.2005 regarding continuation of enquiry, disciplinary order dated 12.1.2010 order dated 25.8.2010 issued by commissioner KVS, order dated 25.8.2011 and order dated 20.5.2011.

(ii) To direct the respondents to pay cost.

(iii) To direct the respondents to pay interest regarding gratuity as admissible under the relevant rules as may be directed by this Hon'ble Tribunal seem fit and proper.

(iv) An order directing the respondents to produce all relevant records with a copy to the Id. advocate of the applicant.

(v) Any other order or further order/orders and/or direction/directions as to this Hon'ble Tribunal seem fit and proper."

2. Heard learned counsel for applicant and respondents both.
3. The order which has been challenged by way of this OA is an order dated

12.01.2010 which has been reproduced hereinbelow:

"The Hon'ble HRM and Chairman, KVS being the competent Disciplinary Authority after consideration of all the facts of the case, evidences on record and findings of the inquiry officer has observed that let the matter be closed since delinquent employee has all ready retired and the case becomes infractious, though charges proved, are of minor nature and therefore decided to close the disciplinary case initiated against him.

Now therefore, the undersigned conveys the above order of Hon'ble HRM and Chairman, KVS that let the matter be closed since delinquent employee has all ready retired and the case becomes infractorious, though charges proved, are of minor nature and therefore decided to close the disciplinary case initiated against him."

4. Then the appeal has been preferred against the order by the applicant was also dismissed. The applicant made certain representations with regard to the grievances pertaining to departmental proceeding but this grievance was duly replied by the respondents.

5. It is strange that when the disciplinary authority dropped the charges, considering the facts that petitioner has been retired from service and did not award any punishment in departmental proceeding why the applicant challenged the same before the Appellate Court.

6. Learned counsel for applicant submits only in this petition that he has been deprived of the benefit of commutation from 2005 i.e. the date of his retirement. The order of granting pension is on record. The petitioner's pension was finally fixed and sanctioned by the pension order dated 12.04.2005. This pension order showing commutation value as "nil", which shows that the applicant did not apply for commutation of his pension. The relief in regard to that has not been sought in the petition. Moreover, the departmental proceeding ended in 2010. The record reveals that the departmental proceeding is not mala fide and charges were stand proved. The Disciplinary Authority observed that misconduct of applicant is of administrative in nature and no penalty was awarded considering the fact that the petitioner has already been retired. The Disciplinary Authority instead of awarding penalty for the proved charges dropped the proceeding and as such exonerated the applicant.

7. No relief as claimed by the petitioner may be granted. No other point has been pressed.

8. Hence, we do not find any merit in the petition. Accordingly, the OA is dismissed.

(Jaya Das Gupta)
Member (A)
pd

(Vishnu Chandra Gupta)
Member (J)