

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.5304/2012

UNION OF INDIA AND ORS.

Appellant(s)

VERSUS

SHYAMLAL ROY

Respondent(s)

O R D E R

The appeal arises out of the final order and judgment dated 25.01.2011 passed by the High Court of Calcutta in WPCT No.184 of 2010 whereby the High Court has dismissed the Writ Petition of the appellants herein and upheld the order of the Central Administrative Tribunal, Kolkata in O.A. No.526 of 2004.

Brief facts of the case are that the respondent retired from railway service on 30.06.2001. While he was in service, he was served with a charge memo dated 29.3.2001. He submitted his representation dated 06.04.2001 for supply of charge memo. On 18.05.2001, the respondent gave reply to the said charge sheet. On 30.06.2001, the respondent retired from service. From the date of retirement till 21.02.2002, departmental enquiry was not concluded. The respondent did not get the retiral dues except Provident Fund and provisional pension.

The respondent filed an OA No.534/2002 for directions upon the appellants to quash the charge memo and proceedings initiated against him and for grant of retirement benefits. On

03.10.2002, the Tribunal disposed of the Original Application and directed the appellants to conclude the disciplinary proceedings initiated on 21.02.2001 within a period of six months from the date of receipt of a copy of the order. The appellants filed an MA No.178/2003 for extension of time to conclude the departmental proceedings. Time was extended by six weeks from 25.09.2003.

The Disciplinary Authority i.e. the Deputy Chief Material Manager/I.S.E. Railway, Kharagpur issued an order dated 19.11.2003 in which the penalty of 25% cut in the monthly pension was admissible to the charged official was imposed i.e. on the respondent for a period of 15 years and DCRG of Rs.1,72,244/- was withheld.

The respondent submitted representation on 08.01.2004 and 10.01.2004 to the Deputy FA-CAO (w/s) KGP, SE, Railways and Deputy Chief Material Manager-I respectively against the said order of penalty.

The respondent filed a Contempt Petition CPC No.95/2003 before the Central Administrative Tribunal, Kolkata for non-implementation of the order of the Tribunal in OA No.534 of 2002 which was dismissed by the Tribunal on 16.7.2004.

The respondent filed an OA No.526/2004 for redressal of his grievance. On 09.02.2010, the Tribunal allowed the application of the respondent and quashed the charge memo dated 29.3.2001 and order dated 19.11.2003 and directed the appellants to reimburse the DCRG amount and other benefits to

the respondent with consequential benefits with interest at the rate of 8% per annum.

Being aggrieved, the appellants filed WPCT No.184/201 before the High Court.

The High Court dismissed the Writ Petition filed by the appellants vide judgment and order dated 25.01.2011 stating that the order of the Tribunal cannot be interfered with.

Hence the appeal.

We have heard learned counsel for the parties.

In the peculiar facts and circumstances of the case, we are not inclined to interfere with the impugned judgment and order passed by the High Court. Let the order of the Tribunal be complied with within three months from today.

The Appeal is dismissed.

.....J.
[ARUN MISHRA]

.....J.
[NAVIN SINHA]

NEW DELHI;
MARCH 27, 2019.

ITEM NO.109

COURT NO.4

SECTION XVI

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No(s). 5304/2012

UNION OF INDIA AND ORS.

Appellant(s)

VERSUS

SHYAMLAL ROY

Respondent(s)

IA NO.160666/2018-APPLN. FOR EARLY HEARING

Date : 27-03-2019 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA

HON'BLE MR. JUSTICE NAVIN SINHA

For Appellant(s) Mrs. V. Mohna, Sr.Adv.
 Mr. Rupesh Kumar, Adv.
 Mr. S.K. Gupta, Adv.
 Mr. Raj Bahadur, Adv.
 Mr. Vikrant Yadav, Adv.
 Mr. Raj Bahadur Yadav, Adv.
 Mr. Prashant Rawat, Adv.
 Ms. Ankita Sharma, Adv.
 Mr. Arvind Kumar Sharma, AOR

For Respondent(s) Mr. Pijush K. Roy, Adv.
 Mrs. Kakali Roy, Adv.
 Mr. Mithilesh Kumar Singh, AOR

UPON hearing the counsel the Court made the following
O R D E R

The Appeal is dismissed in terms of the signed order.

Pending application stands disposed of.

(ASHA SUNDRIYAL)
COURT MASTER

(JAGDISH CHANDER)
BRANCH OFFICER

[signed order is placed on the file]