

18.01.2024
SSS (1)

WP.CT 380 of 2013

**Debabrata Misra
Vs.
Union of India & Ors.**

Mr. Debojyoti Basu
Mr. Barun Chatterjee, Adv.
.....for the Appellant.

Mr. Bhudeb Chatterjee, Adv.
.....for the Respondents.

This is a writ application of 2013. It was specially mentioned before us for early disposal. It concerns an Upper Division Clerk (UDC) of the central government.

Disciplinary proceedings had been started against this UDC, the writ petitioner herein. The Central Administrative Tribunal, Kolkata bench by its order dated 11th June, 2013 had inter alia directed a fresh enquiry to be initiated against the writ petitioner and concluded within six months of its order. Aggrieved by this decision, the writ petitioner filed this writ application which is pending so long.

Let alone six months, upto now, the enquiry proceedings have not been further proceeded with.

In the meanwhile, on and after 31st December, 2019 the writ petitioner retired. During the pendency of

this writ application by virtue of interim orders passed by this court, he had been receiving his pay and allowances till the date of retirement.

Since the disciplinary proceedings are pending, he is denied full pension and is being paid only “provisional pension”. The above facts were narrated to the court by Mr. Chatterjee, learned Advocate appearing for the respondents on receiving instructions.

Hence, it now appears that there is practically no possibility of the enquiry further proceeding. Furthermore, there does not appear to be any ground on which the concerned respondent authority can continue with the enquiry, as no steps were taken in the last ten years.

In those circumstances, we direct the appropriate authority of the respondents to immediately pass an order or make a decision dropping the disciplinary proceedings. This decision is to be made and communicated to the petitioner within four weeks of communication of this order. Thereafter, the writ petitioner may be paid his admissible pension month to month and also admissible arrear pension from 1st January, 2020 within 8 weeks of communication of this order. All other monetary/retiral benefits of the writ petitioner withheld by virtue of this disciplinary proceedings may be released to him within eight weeks of communication of this order.

This writ application is accordingly disposed of.

[I.P. Mukerji, J]

[Biswaroop Chowdhury, J]