

Tribunal Application  
Present: The Hon'ble Justice Pranab Kumar Chattopadhyay and The  
Hon'ble Justice Pranab Kumar Deb  
Judgement on- 29.4.2010  
W.P.C.T. 264 of 2009.

Points:

**Enquiry after retirement:** Employee retired on attaining superannuation -  
Whether an enquiry can be held- Service Law

Facts:

This writ petition has been filed challenging the orders passed by the learned Central Administrative Tribunal, Calcutta Bench on 25th July, 2008 in case number O.A.306 of 2006 and 14<sup>th</sup> January, 2009 passed in M.A.487 of 2008 arising out of O.A.306 of 2006 whereby the learned Tribunal directed the concerned authority viz., the writ petitioners herein to conclude the enquiry and take a final decision in the matter before the retirement of the respondent herein. By the subsequent order dated 14th January, 2009, the said learned Tribunal refused to extend the time limit to conclude the enquiry since the employee concerned viz., the respondent herein retired from service and the specific direction passed earlier by the said Tribunal to conclude the enquiry before the retirement of the respondent was not complied with. There is no dispute that the employee concerned viz., the respondent herein was allowed to retire on attaining the age of superannuation without any objection.

Held:

There is no dispute that the employee concerned viz., the respondent herein was allowed to retire on attaining the age of superannuation without any objection. The retirement of the concerned employee snapped the master servant relationship. The authorities have no jurisdiction in the present case to proceed with the enquiry and take any decision after retirement of the employee concerned.

Para-4 and 5

Mr. Amit Halder.

...For the Petitioners.  
Mr. Pinaki Dhole.  
...For the Respondent.

The Court:

This writ petition has been filed challenging the orders passed by the learned Central Administrative Tribunal, Calcutta Bench on 25th July, 2008 in case number O.A.306 of 2006 and 14<sup>th</sup> January, 2009 passed in M.A.487 of 2008 arising out of O.A.306 of 2006.

2. Going through the aforesaid orders, we find that the learned Tribunal by the impugned order dated 25th July, 2008 directed the concerned authority viz., the writ petitioners herein to conclude the enquiry and take a final decision in the matter before the retirement of the respondent herein.

3. By the subsequent order dated 14th January, 2009, the said learned Tribunal refused to extend the time limit to conclude the enquiry since the employee concerned viz., the respondent herein retired from service and the specific direction passed earlier by the said Tribunal to conclude the enquiry before the retirement of the respondent was not complied with.

4. There is no dispute that the employee concerned viz., the respondent herein was allowed to retire on attaining the age of superannuation without any objection. The retirement of the concerned employee snapped the master servant relationship.

5. Therefore, the authorities have no jurisdiction in the present case to proceed with the enquiry and take any decision after retirement of the employee concerned. We do not find any error and/or infirmity in the aforesaid decision of the learned Tribunal.

6. In our opinion, the learned Tribunal has passed the aforesaid orders strictly in accordance with the principles of law already settled by the Hon'ble Supreme Court.

7. For the aforesaid reasons, we refuse to interfere with the impugned orders passed by the learned Tribunal.

This writ petition, therefore, stands dismissed since we do not find any merit in the same.

In the facts of the present case, there will be, however, no order as to costs. Urgent xerox certified copy of this order, if applied for, shall be given to the appearing parties, as early as possible.

(Pranab Kumar Chattopadhyay, J.)

(Pranab Kumar Deb, J.)