

OPEN COURT

**Central Administrative Tribunal Allahabad Bench  
Allahabad.**

ALLAHABAD THIS THE 10<sup>TH</sup> DAY OF DECEMBER, 2008.

ORIGINAL APPLICATION NO 842 OF 1999

Present:

**Hon'ble Mr. Justice A.K. Yog, Member (J)**

**Hon'ble Mrs. Manjulika Gautam, Member (A)**

Ayodhya Prasad Singh son of Sri Parasu Ram Singh; resident of  
Village and Post Suraha, District Mirzapur.

.....Applicant

By Advocates: Shri R.M Pandey/Shri S.N Pandey.

Versus

1. Union of India through Post Office Master General, Lucknow.
2. The Superintendent, Post Office, Mirzapur Division, Mirzapur.
3. The Sub Divisional Inspector, Post Office Robertsganj, Sub Division Sonbadre/Enquiry Officer.

.....Respondents

By Advocate: Shri S.M. Mishra

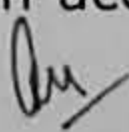
**O R D E R**

**Delivered By Hon'ble Mr. Justice A.K. Yog, Member (J)**

Heard Shri R.M Pandey, Advocate appearing on behalf of the applicant and Shri S.M Mishra, Advocate appearing on behalf of the respondents. Parties have exchanged pleadings and taken on record- condoning delay, if any Misc. Application/s in this respect shall be deemed disposed of accordingly.

2. Applicant was appointed in 1976 as E.D.B.P.M (Extra Departmental Branch Post Master) at Branch Post Office Suraha, District Mirzapur. It appears that some charges are levelled and enquiry officer was appointed to submit his report. Disciplinary Authority on the basis of such report of enquiry officer passed on 13.5.1997/Annexure 1 to Compilation 1 to the O.A. According to the applicant, Inquiry Officer- after enquiry- in its report found that no charge was proved against the Applicant. No loss is caused to the department otherwise.

3. Disciplinary Authority, in its order categorically observed that lady in question/Smt. Sudha Singh accepts to have received



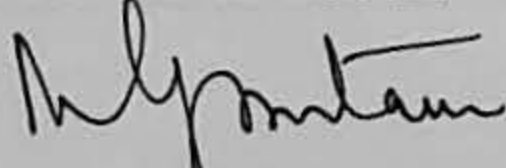
'money' vide her statement dated 3.9.1996 against money order in question, the Department has suffered no loss. But with recording reasons and/or disclosing application of mind. Disciplinary Authority observed that he was not in agreement with the 'conclusion/findings recorded in the enquiry report. The Disciplinary Authority observed that applicant had already suffered (in the nature of punishment) for long as he has put off duty w.e.f. 7.8.1993, but for no reason or rhyme directed that the applicant shall not be entitled to appear in 'examination of Dak Sahayak' for one year by way of punishment. Interestingly Disciplinary Authority simultaneously directed the applicant to be reinstated in service with immediate effect. Evidently Disciplinary Authority did not hold that Applicant deserved to be removed/dismissed on the ground of lack of integrity.

4. On the other hand, learned counsel for the respondents tried to justify the aforesaid order by referring to averments in the Counter Affidavit. It is not in dispute that lacuna in the order cannot be filled by pleadings. Order itself must contain reasons (as noted above), particularly when Disciplinary Authority was (may be partly) dis-agreeing with Enquiry Report.

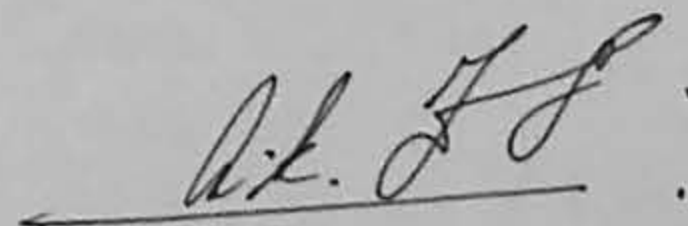
5. In view of the above, impugned order dated 13.5.1997/Annexure 1 is set aside. Respondents Authority are directed to restore all privileges, perks, benefits status (seniority) etc. to the applicant treating him in service throughout ignoring impugned order as non-est.

6. O.A. stands allowed subject to the above direction/s.

7. No order as to costs.

  
Member (A)

Manish/-

  
Member (J)