

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A.NO. /465/93
T.A.NO.

DATE OF DECISION 17 /8/98

Punambhai Sanabhai Patel Petitioner

Mr.K.C.Bhatt Advocate for the Petitioner [s]
Versus

Union of India & ors. Respondent

Mrs.P.Safaya Advocate for the Respondent [s]

CORAM

The Hon'ble Mr. V.RADHAKRISHNAN : MEMBER (A)

The Hon'ble Mr.P.C.KANNAN : MEMBER (J)

JUDGMENT

- 1, Whether Reporters of Local papers may be allowed to see the Judgment ?
- 2, To be referred to the Reporter or not ?
- 3, Whether their Lerdships wish to see the fair copy of the Judgment ?
- 4, Whether it needs to be circulated to other Benches of the Tribunal ?

Punambhai Sanabhai Patel

Ex. EDBPM,
Davda (Palana)-387350.

: APPLICANT :

ADVOCATE MR.K.C.BHATT

VERSUS

- i) Union of India, Through :
The Director General,
Department of Posts,
Ministry of Communication,
Dak Bhavan, Sansad Marg,
New Delhi.
- ii) The Postmaster General,
Vadodara Region,
Vadodara.
- iii) The Sr. Supdt. of Post Office,
Kheda division at
Anand.
- iv) Shri A.I.Vohra, the then SDI(P),
Kheda now through SSP Kheda Dn.,
at Anand.

: RESPONDENTS :

ADVOCATE MRS.P.SAFAYA

ORAL ORDER

O.A.455/93

DATE : 17/8/98

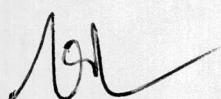
PER HON'BLE MR.V.RADHAKRISHNAN : MEMBER (A)



The applicant was working as EDBPM, Davda,
(Palana) under the respondents. A charge-sheet was

served on the applicant on 1/2-4-91 framing certain charges against him for temporary misappropriation of money for certain deposits accounts. Enquiry was also held as per the orders of Sr. Supdt. of Post office, Nadiad.

2. The applicant challenges the enquiry conducted ~~again~~ against him as illegal on several grounds. It is also noted that the criminal case against the applicant was also filed on similar charges before the Joint Judicial, Ist Class Magistrate, Nadiad in 1991. During the discussion at the Bar, Mr. Bhatt points out that the criminal proceedings against the applicant has ended and the applicant has been totally exonerated by the order of the said Court on 22/10/97. It is also seen that the applicant has not made any representation to the respondents after his acquittal on the ground that the O.A. is pending in the Tribunal. We feel that the proper course would be for the applicant to file an appeal/representation to the appointing authority i.e. Sr. Supdt of Post Office, Nadiad, enclosing a copy of the judgment of the Joint Judicial Ist Class Magistrate, Nadiad, and that the authority shall consider the representation/appeal of the applicant taking into account the fact that the applicant has been acquitted in the criminal case filed against him based on charges similar to the charges in the departmental inquiry. Accordingly, we pass the following order.



ORDER

The applicant is directed to submit a representation enclosing a copy of the judgment of the Joint Judicial, 1st class Magistrate, Nadiad, within a period of 4 weeks from today to the Sr. Supdt. of Post Office, Nadiad. When such a representation is received by the Sr. Supdt. of Post Office, (the appointing authority) he shall consider and decide the same on ~~xxx~~ merits as per the Rules regarding reinstatement of the applicant in service in view of his acquittal in the criminal case within a period of 6 weeks from the date of receipt of the representation of the applicant and issue a speaking order and in case the decision of the appointing authority is adverse to the applicant, he shall ^{be} at liberty to approach the Tribunal again by filing afresh O.A. The O.A. stands disposed of. No order as to costs.

P.C.Kannan
(P.C.KANNAN)
MEMBER (J)

V.R.K
(V.RADHAKRISHNAN)
MEMBER (A)

*SSN...

M.A.St.770/98 in O.A.465/93
Date Office Report

O R D E R

26-11-98

Received
to court
26/11/98

Notice issued on
8.12.98
2nd received
8.1.99

8.1.99

4.1.99

M.A.

M.A.St.770/98

Objection waived. Registry
may give the regular number to
the M.A.

Issue Notice of M.A. returnable
on 04-1-99.

PK

VR

(P.C.KANNAN)
MEMBER (J)

(V.RADHAKRISHNAN)
MEMBER (A)

*SSN

Heard Mr.K.C.Bhatt and
Mr.Y.N.Ravani both the learned
advocate of the counsel.

M.A. allow. Extension of time is
granted as prayed for allowed.

(V.Radhakrishnan)
Member (A)

nk

M.A.St.770/98 in O.A.465/93
Date Office Report

O R D E R

26-11-98

~~Regd~~

M.A.St.770/98

Objection waived. Registry
may give the regular number to
the M.A.

Issue Notice of M.A. returnable
on 04-1-99.

(P.C.KANNAN) (V.RADHAKRISHNAN)
MEMBER (J) MEMBER (A)

*SSN

4.1.99

granted

Heard Mr.K.C.Bhatt and
Mr.Y.N.Ravani both the learned
advocate of the counsel.
M.A. allow. Extension of time is
as prayed for allowed.

(V.Radhakrishna:
Member (A))

nkk

CENTRAL ADMINISTRATIVE TRIBUNAL, DE LHI

Application No.

CA/465/93

of 19

Transfer application No.

Old Write Pet. No.

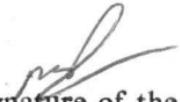
CERTIFICATE

Certified that no further action is required to be taken and the case is fit for consignment to the Record Room (Decided).

Dated: 8/9/98

Countersigned.

Section Officer/Court Officer.


Signature of the Dealing
Assistant.

MGIPRRND—17 CAT/86—T. S. App.—30-10-1986—150 Pads.

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH
AHMEDABAD

CAUSE TITLE

07/465/93

NAME OF PARTIES

P. S. Patel.

VERSUS

6.25 8 00