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CENTRAL ADMINISTRATIVE TRIBUNAL,  
CUTTACK BENCH, CUTTACK

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ORIGINAL APPLICATION No. 123 OF 1987

Date of decision .. August 7, 1987

K.N. Mandal .. Applicant.

Versus

Union of India and others .. Respondents.

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M/s P.V. Ramdas &  
B.K. Panda, Advocates .. For Applicant.

Mr. A.B. Misra, Sr. Standing  
Counsel (Central) .. For Respondents.

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C O R A M :

THE HON'BLE MR. B.R. PATEL, VICE CHAIRMAN

A N D

THE HON'BLE MR. K.P. ACHARYA, MEMBER (JUDICIAL)

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1. Whether reporters of local papers may be allowed to see the judgment ? Yes .
2. To be referred to the Reporters or not ?
3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes.

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## JUDGMENT

K.P. ACHARYA, MEMBER (J), In this application under section 19 of the Administrative Tribunals Act, 1985, the petitioner prays to quash the order of punishment passed against him in a disciplinary proceeding.

2. Shortly stated, the case of the petitioner is that on 23.1.1986 he was Superintendent of Post Offices, stationed at Balasore. A departmental proceeding under Rule 14 of the C.C.S.(C.C.A.) Rules, 1965 was initiated against one K.C. Mohanty who was a Time Scale Clerk serving in the Division Office. After completion of the inquiry against Sri K.C. Mohanty, the Inquiry Officer submitted his finding and the petitioner acting as the disciplinary authority found Sri K.C. Mohanty to be guilty for having committed an offence which came within the purview of Rule 16 of the said rules (minor punishment). This matter somehow attracted the attention of higher authorities and the higher authorities found a *prima facie* case of misconduct on the part of the present petitioner ~~as~~<sup>of</sup> instead of awarding major penalty against Sri K.C. Mohanty under Rule 14 brought the case down to one ~~of~~<sup>of</sup> Rule 16 and found him guilty for having committed a minor offence and minor punishment was awarded. It is under these circumstances the petitioner has come up before this Bench with the aforesaid prayer.

3. In their counter, the respondents maintained that the petitioner without any sufficient cause showed a

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helping hand to Sri K.C. Mohanty and therefore lacked in devotion ~~to~~ duty and hence the petitioner has been rightly punished by the disciplinary authority which should not be interferred with by this Bench.

4. We have heard Mr. P.V. Ramdas, learned counsel for the petitioner and Mr. A.B. Misra, learned Senior Standing Counsel for the Department. There is no indication in the counter that the petitioner had any dishonest intention or motive. Nobody in this earth is free from committing bonafide mistakes. That apart this was a quasi judicial proceeding which was being dealt by the petitioner as disciplinary authority. After going through all the connected papers and after hearing learned counsel for both sides, we are convinced that the mistake, if any, committed by the petitioner was purely bonafide and was in good faith. Such being our finding we cannot subscribe to the view that the petitioner could be held guilty of any misconduct under the C.C.S. (C.C.A.) Rules. Therefore, we do hereby quash the order of punishment and do hereby set aside the report of the Inquiry Officer and consequently the order passed by the disciplinary authority. The petitioner is exonerated from the charges.

5. Thus, the application stands allowed leaving the parties to bear their own costs.

B.R. PATEL, VICE CHAIRMAN, *I agree*

Central Administrative Tribunal,  
Cuttack Bench.  
August 7, 1987/Roy.



*Based on  
7/8/87  
Member (Judicial)*

*7.8.87  
B.R. PATEL  
Chairman*