

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

Original Application No. 156 of 1987

Date of decision 9th March, 1989

1. Sri A.Dandapani Dora
aged about 32 years,
S/o A.Judhistir Dora,
E.D.B.P.M., Talasara,
Via.Sumandal,
Dist.Ganjam. Applicant

-Versus-

1. Union of India,
represented through the
Postmaster General,
Orissa Circle, Bhubaneswar
2. Senior Superintendent of Post Offices,
Berhampur (Gm) East Division,
Berhampur, Dist.Ganjam.

..... Respondents

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

For the Respondents Mr.A.B.Misra, Senior Standing
Counsel(Central) and
Mr.Tahali Dalei, Addl. Standing
Counsel(Central)

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)

1. Whether reporters of local papers may be allowed
to see the judgement ? Yes
2. To be referred to the Reporters or not ? No
3. Whether Their Lordships wish to see the fair
copy of the Judgement ? Yes

JUDGMENT

K.P.ACHARYA, MEMBER (J) In this application under section 19 of the Administrative Tribunals Act, 1985, the applicant prays to quash the departmental proceeding initiated against him and to direct the respondents to allow the applicant to resume his duties as Extra-Departmental Branch Postmaster, Talasara.

2. Shortly stated, the case of the applicant is that while he was functioning as Extra-Departmental Branch Postmaster, Talasara within the district of Ganjam, he availed leave for a certain period for which there has been a departmental proceeding initiated against him for violating the relevant provisions contained in the rule on the subject. While the disciplinary proceeding was initiated, the applicant has come up before us with the aforesaid prayer made in the application.

3. In their counter, the respondents maintained that the applicant had no justification to rush to the Court when the disciplinary proceeding had not been finalised. The applicant having violated the Government Servants Conduct Rules he was rightly proceeded against and it was further submitted in the counter that the Bench should not interfere at this stage and opportunity should be given to the departmental authorities to proceed with the disciplinary proceeding.

4. We have heard Mr. P.V. Ramdas, learned counsel for the applicant and Mr. Tahali Dalai, learned Additional

Standing Counsel (Central) at some length. Mr. Ramdas vehemently urged before us that the departmental authorities should have taken into consideration the practical difficulties of its employees in not attending to their duty for a certain period and the departmental authorities not having taken into consideration the practical aspects it was most unjustified on the part of the departmental authorities to rush to initiate a departmental proceeding for which the applicant has been seriously prejudiced and on that account the departmental proceeding should be quashed and the applicant should be permitted to resume his duties. This submission of Mr. Ramdas was stiffly opposed by Mr. Tahali Dalai who submitted that it is too premature to come to a conclusion either in favour of the applicant or in favour of the Department. Mr. Tahali Dalai further contended that in case there was any practical difficulties on the part of the applicant to attend to his duties, and if such evidence is placed before the departmental authorities such authority would never close ^{his} eyes to these aspects. But without availing this opportunity it is too premature on the part of the applicant to rush to the Court. Considering the aforesaid arguments advanced by learned counsel for both sides we feel that there is considerable force in the contention of Mr. Dalai. Therefore we do not feel inclined to accept the contention of Mr. Ramdas and we would direct that the proceeding would continue and final orders be passed by the Disciplinary authority. In case the applicant feels aggrieved by any order passed by the disciplinary authority, he would be at liberty to

approach this Bench. The stay order passed by this Bench vide order dated 2.7.1987 stands automatically vacated.

5. Thus, this application is accordingly disposed of leaving the parties to bear their own costs.

Lease 9.3.89

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Member (Judicial)

B.R. PATEL, VICE-CHAIRMAN,

9 agree



March 9.3.89

.....
Vice-Chairman

Central Administrative Tribunal,
Cuttack Bench, Cuttack.
March 9, 1989/Sarangi.