

III 4

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH

9

ORIGINAL APPLICATION NOS. 185 and 261 of 1987.

Date of decision ... October 30, 1987.

O.A. 185/87

John Behera, aged about 58 years,
son of late Kamilo Behera,
At- Sree Vihar Colony, P.O.Tulsipur,
Cuttack-8.

O.A. 261/87

Kailash Chandra Sarangi, aged 58 years,
son of late K.N. Sarangi, Ex-Sub-Postmaster,
Biribati P.O., Cuttack, At-Tamarpa Sasan,
P.O.Biribati, Dist- Cuttack.

... Applicants

Versus

(in both the
cases).

1. Union of India,
represented by the Secretary, Posts,
Dak Bhavan, New Delhi 110 001.
2. The Postmaster General, Orissa ,
Bhubaneswar, New Capital, Bhubaneswar.
3. The Director, Postal Services,
Sambalpur Region, P.O/P.S/Dist-Sambalpur .

... Respondents.

M/s Devananda Misra,
Deepak Misra, S.S.Hota &
Anil Deo, Advocates

... For Applicants.

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

For Respondents.

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 judgment ? Yes .
2. To be referred to the Reporters or not ? No .
3. Whether Their Lordships wish to see the faircopy of the judgment ? Yes .

JUDGMENT

K.P.ACHARYA, MEMBER (J), This common judgment would govern both the cases mentioned above as the facts are similar in nature .

2. The applicant in Original Application No. 261/87 drew an advance amounting to Rs.5,850.00 to avail Leave Travel Concession facility for the block period of 1982-83. The applicant in Original Application No. 185/87 drew an advance amount of Rs.5,500.00 to avail the Leave Travel Concession facility. Departmental proceedings have been initiated against both the applicants in both the cases for having submitted T.A. bills as according to the Departmental Authorities, the applicants have not undertaken any journey . The above mentioned applications have been filed under section 19 of the Administrative Tribunals Act, 1985 praying to quash the proceedings initiated against each of them.

3. We have heard Mr. Deepak Misra, learned counsel for the applicants and Mr. A.B.Misra, learned Sr. Standing Counsel for the Central Government at some length. Admittedly , both the applicants have retired on superannuation. We feel that no fruitful purpose would be achieved in adopting a long drawn process in pursuing the proceedings and we further feel that for the ends of justice, it would suffice if the amount drawn by each of them is realised to be credited to the exchequer . Therefore, we would direct that the

V
6

proceedings be quashed subject to the condition that each of the applicants in each of the case would pay back the amount drawn by each of them to the competent authority plus interest at the rate of 10 % (simple) per annum from the date on which the amount was drawn by them till the date of realisation. In case the applicants do not deposit the amount by 31.12.1987 the amount due as per the above direction ^{same} ~~be realised~~ from the gratuity payable to the respective applicants.

4. Thus, the applications are accordingly disposed of leaving the parties to bear their own costs.

Member (Judicial)
30.10.87

B.R. PATEL, VICE CHAIRMAN,

I agree.

B.R. Patel
30.10.87
Vice Chairman.



Central Administrative Tribunal,
Cuttack Bench,
October, 30, 1987/Roy SPA.