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...

Applicant.

- ...

For the applicant

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For the respondents

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C O R A M:

A N D

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 fair copy of the judgment ? Yes.

J U D G M E N T

K.P.ACHARYA, MEMBER (J)

In this application under section 19 of the Administrative Tribunals Act, 1985, the applicant seeks to quash the disciplinary proceeding pending against him.

2. Shortly stated, the case of the applicant is that he is at present Deputy Superintendent of Post Offices attached to Railway Mail Service, Cuttack. During the period of incumbency of the applicant as Superintendent of Post Offices Cuttack South Division, the applicant is said to have written a number of letters to a lady which is said to have reflected in his official conduct and further charge is that in pursuance thereto the applicant was an instrumental in opening a Post Office to give necessary benefit to the said lady by appointing her as Branch Post Master of the said Post Office which he did and thereafter out of vindictiveness the applicant is said to have terminated the services of the said lady. On these allegations a disciplinary proceeding was initiated against the applicant and being aggrieved by this act of the competent authority the applicant has invoked the jurisdiction of this Bench to quash the proceeding.

3. In their counter the respondents maintained that a prima facie case of misconduct having been found against the applicant, rightly a disciplinary proceeding has been initiated and enquiry to his misconduct is still pending and therefore this Bench should not interfere at this stage.

4. We have heard Mr. Deepak Misra, learned counsel for the applicant and learned Senior Standing Counsel (Central) Mr. A.B. Mishra, at some length. We do not like to go into the

details of this case because of the specific submission made by learned counsel for the applicant. It was submitted before us by Mr. Deepak Misra that a representation has been addressed to Member(Personnel), Postal Services Board, New Delhi invoking his compassionate heart for interference especially in view of the fact that the applicant would shortly retire. In view of such representation pending before the Member(Personnel), we would not like to express any opinion on the merits of the case as it may create some embarrassment for the Member(Personnel). Without fettering his discretion we leave it to the Member(Personnel) to sympathetically consider the case of the applicant and take a compassionate view over the matter keeping in mind that the applicant would retire shortly after having rendered a long spell of service of 36 years to the Postal Department. We hope the Member(Personnel) will make it convenient to dispose of the representation within three months from the date of receipt of a copy of this judgment. We also hope the Postmaster General would also take into account that the representation<sup>is</sup> pending final disposal by the Member(Personnel) and would stay further progress xx of the disciplinary proceeding awaiting final orders from the Member(Personnel). Copy of this judgment be forthwith sent by registered post with acknowledgment due giving full particulars of the case to Member(Personnel) and Postmaster General, Orissa inviting their special attention.

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

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Member (Judicial)

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Vice-Chairman

9 agree.

B.R.PATEL, VICE-CHAIRMAN,

Central Administrative Tribunal,  
Cuttack Bench, Cuttack.  
April 4, 1988/S. Sarangi.