

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH

11 (7) 3 (6)

ORIGINAL APPLICATION NOS. 224 TO 231 OF 1987.

Date of decision ... October 30, 1987.

- 224/87 : Pravakar Das, aged about 49 years, at present working as Supervisor, C.P.O., Office of the Postmaster General, Orissa, At, P.O. Bhubaneswar, Dist- Puri.
- 225/87 : Chaitanya Pattnaik, aged about 55 years, son of late Krushna Mohan Pattnayak, at present working as Sub- Postmaster, Kathjori Post Office, Cuttack- 753 002.
- 226/87 : Dhirendranath Beura, aged about 58 years, son of late Narendranath Beura, at present working as Postal Assistant, Chandinichouk Post Office, Cuttack.
- 227/87 : Rajkishore Pati, aged about 51 years, son of Shri Maheswar Pati, at present working as Sub- Postmaster, Madhupatna, Cuttack- 753 010.
- 228/87 : Rajkishore Pati, aged about 51 years, Suresh Chandra Mohanty, son of Shri Maheswar Pati, at present working as Sub- Postmaster, Madhupatna, Cuttack- 753 010. (Gatikrushna Mohanty, at present working as Sub- Post Master, Nimasahi Post Office, Cuttack. dt. 24.3.88)
- 229/87 : Nasiruddin Ahmed Khan, aged about 55 years, son of Jamiruddin Khan, at present working as Sub- Postmaster, Arunodaya Market, Cuttack.- 753 001, Dist- Cuttack. Vice-Chairman Member (J)
- 230/87 : Brajamohan Misra, aged about 54 years, son of late Rama Krushna Misra, at present working as Sub- Postmaster, Gobindapur, District- Cuttack.
- 231/87 : Netrananda Pani, aged about 47 years, son of late Natabar Pani, at present working as Sub- Postmaster, Dolamundai P.O. P.O. And District- Cuttack.

..... APPLICANTS.

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Versus

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./District- Sambalpur.
4. SHRI GOBARDHAN KAR,
Enquiry Officer-cum- Assistant
Director, PMI (Planning, Monitoring
and Inspection), Office of the
P.M.G., Orissa Circle, Bhubaneswar,
District; Puri.

Nos. 1 to 4 in O.A.Nos.224 to 231/87).

... RESPONDENTS

M/s Devananda Misra, Deepak Misra,
R.N.Naik, S.S.Hota & A.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 fair copy of the judgment ? Yes .

JUDGMENT

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

2. All the applicants are employees of the Postal Department. The applicants applied for some money to be paid in advance to enable them to perform their journey under the Leave Travel Concession Scheme. Different amount was given to different applicants in the above mentioned cases. Since the applicants did not perform their journey and submitted false T.A.bills, departmental proceedings have been initiated against each of the applicants who pray in these applications under section 19 of the Administrative Tribunals Act, 1985 for quashing the proceedings.

3. We have heard Mr. Deepak Misra, learned counsel for the applicants in the above mentioned cases and also the learned Sr. Standing Counsel Mr. A.B.Misra for the Central Government on merits. After giving our anxious consideration to the arguments advanced at the Bar, we feel that no fruitful purpose would be achieved in punishing the applicants, if it is found that they have submitted false T.A.bills except that it would be a punitive measure. Rather, ends of justice would be adequately served if the amount drawn by each of them is realised to the exchequer. We would, therefore,

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direct that the proceedings against each of the applicants are hereby quashed subject to the condition that the applicant in each of the case would pay back the amount drawn by each of them plus interest at the rate of 10 % (simple) per annum from the date of drawal till the date of realisation. Incidentally we may state that some of the applicants have filed receipts which indicate that the amount drawn by each of them has since been deposited. We were unable to verify the genuineness of those documents and therefore, we would direct that calculation of the principal amount drawn by each of the applicants plus interest payable by each of the applicants at 10 % per annum from the date of drawal till realisation be made ^{and} ~~the~~ ^{1/4} amount, if deposited, by any of the applicants should be deducted from the final calculated amount and the balance amount should be deposited by each of the applicants by 31st December, 1987, failing which the proceedings would continue. In case any or some of the applicants have not deposited any money, such applicants should deposit the amount drawn by ~~him~~ ^{there} plus interest at the rate of 10 % per annum (simple) from the date of drawal till realisation by 31.12.1987.

4.

Thus, the applications forming ~~the~~ subject-matter of the aforesaid cases are accordingly

disposed of leaving the parties to bear their own costs.

R. Patel
30.10.87

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Member (Judicial)

B.R. PATEL, VICE CHAIRMAN,

I agree

R. Patel
30.10.87

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Vice Chairman



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