

(11)

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH : CUTTACK.

Original Application No.243 of 1987.

Date of decision : January 27, 1989.

Sri Chakradhar Ghosh,
son of Keshab Chandra Ghosh,
Sub-Postmaster, Nalagaja,
At/P.O.Nalagaja, Dist-Mayurbhanj ...

Applicant.

Versus

1. Union of India, represented by the
Postmaster General, Orissa Circle,
Bhubaneswar, District-Puri.
2. Director, Postal Services now
designated as Addl. Postmaster General,
Orissa Circle, Bhubaneswar, Dist-Puri.
3. Superintendent of Post Offices,
Mayurbhanj Division, Baripada,
District- Mayurbhanj.

... Respondents.

For the applicant ...

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

For the respondents ...

Mr.A.B.Mishra,
Sr.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 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.
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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 prays to set aside the order of punishment imposed on him namely recovery of Rs.500/- from his pay and to commend the respondents to consider his case for promotion under the time bound promotion scheme.

2. Shortly stated, the case of the applicant is that he is a Sub Postmaster serving in Nalagaja Post Office with- in the district of Mayurbhanj. The applicant had deposited some money under the Certificate Time Deposit scheme in the name of his minor son and out of the total deposit made in favour of his son, the applicant had withdrawn Rs.500/- in two instalments namely once Rs.350/- and on another occasion Rs.150/-. Some illegality having been committed in the transaction a proceeding under Rule 16 of the Central Civil Services (Classification, Control & Appeal) Rules, 1965 was initiated against the applicant and the disciplinary authority as a measure of punishment directed that Rs.538.50 paise be recovered from the pay of the applicant. Being aggrieved by this order of punishment the applicant invoked the jurisdiction of this Bench with the aforesaid prayer.

Incidentally, it may be mentioned that the applicant had simultaneously preferred an appeal to the appellate authority being aggrieved by this order of punishment.

3. In their counter, the respondents maintained that

the case being devoid of merit, is liable to be dismissed.

4. We have heard Mr.P.V.Ramdas, learned counsel for the applicant and learned Senior Standing Counsel (Central), Mr.A.B.Mishra at some length. During the course of argument Mr.Ramdas submitted that the appellate authority has already allowed the appeal preferred by the applicant and has set aside the order of punishment which is pending before this Bench. Mr.Ramdas further submitted that the applicant has in the meanwhile ~~has~~ got the promotion under the time bound promotion scheme and therefore, the applicant has no further grievance. In view of the aforesaid admitted position, no further interference is warranted.

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

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27.1.89.
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Member (Judicial)

B.R.PATEL, VICE-CHAIRMAN,

g agree.



Ramdas
27.1.89
.....
Vice-Chairman

Central Administrative Tribunal,
Cuttack Bench, Cuttack.
January 27, 1989/S.Sarangi.