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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH : CUTTACK.

Original Application No. 256 of 1987

Date of decision: April 12, 1989.

Shri Arta Kumbhar, aged about 27 years,
S/o Dingoro Kumbhar, At/P.O. Satalama,
Via Barpali, Dist. Sambalpur. ...

Applicant.

Versus

1. Union of India, represented by the
Postmaster General, Orissa Circle,
Bhubaneswar, Dist. Puri.

2. Director of Postal Services,
Sambalpur Region, Sambalpur.

3. Senior Superintendent of Post Offices,
Sambalpur Division, Sambalpur.

... Respondents.

For the applicant : M/s. P.V. Ramdas,
B.K. Panda, Advocates.

For the respondents : Mr. A.B. Mishra,
Senior 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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JUDGMENT

K.P.ACHARYA, MEMBER (J) In this application under section 19 of the Administrative Tribunals Act, 1985, the applicant prays to quash Annexure-4 containing the order terminating the services of the applicant under Rule 6 of the P & T Extra-Departmental Agents (Conduct and Service) Rules, 1964.

2. Shortly stated, the case of the applicant is that On 6.5.1980 an advertisement was published inviting applications to fill up the post of an Extra-Departmental Branch Postmaster, Satalama (in account with Barapali Post Office) within the district of Sambalpur. The applicant and many others were applicants. On 29.1.1980 the applicant was selected and the order of appointment was issued on 25.1.1985 and soon thereafter, the applicant joined the said post. On 21.3.1985 a First Information Report was lodged at Barpali Police-station alleging that the applicant had committed an offence under section 376/34 of the Indian Penal Code i.e. had raped a certain girl. The applicant was charge-sheeted and stood his trial before the learned Assistant Sessions Judge, Bargarh who by his judgment and order dated 31.1.1987 acquitted the applicant of the said charge. In the meanwhile, vide Annexure-4 dated 16.7.1985 the services of the applicant were terminated, under Rule 6 of the P & T Extra-Departmental Agents (Conduct & Service) Rules, 1964 and despite the order of acquittal recorded, the applicant is not being reinstated into service. Hence this application with the aforesaid prayer.

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3. In their counter, it is maintained by the respondents that in the order of termination there has been no stigma against the applicant. By virtue of the fact that the applicant had been arrested in connection with the above mentioned case, there was a great dislocation in the work of the Post Office and therefore the competent authority had no other alternative but to terminate the services of the applicant under Rule 6 of the P & T Extra-Departmental Agents (Conduct & Service) Rules, 1964 and appoint another person in his place so that the public work would not be inconvenienced and the administrative machinery would not be in jeopardy. Therefore, 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 Mr. A. B. Mishra, learned Senior Standing Counsel (Central) at some length. Of course, there is no stigma against the applicant as it is contended by Mr. P. V. Ramdas. We would ~~not~~ consider of the fact that the applicant has been acquitted by learned Assistant Sessions Judge and therefore, we are bound to presume that the applicant is innocent of the charges levelled against him. In such circumstances, we feel it just and expedient to set aside the order of termination and the applicant should be reinstated to the post of Extra-Departmental Branch Post-Master, ~~Set~~ Satalama within three months from the date of receipt of a copy of this judgment. The applicant shall not be entitled to any back wages.

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

Sarangi
12.4.89
Member (Judicial)

B.R.PATEL, VICE-CHAIRMAN,

9 agree.

Bushra
12.4.89
Vice-Chairman

Central Administrative Tribunal
Cuttack Bench, Cuttack
April 12, 1989/Sarangi.

