

4

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH

8

ORIGINAL APPLICATION No. 259 OF 1987.

Date of decision ... April 20, 1988.

Bhaja Govinda Satpathy, son of late Rangadhar Satpathy,
S.B.D.O. Cuttack City Division, At, P.O. & Dist- Cuttack.

... Applicant.

Versus

1. Union of India, represented by its Secretary, Posts, Dak Bhawan, New Delhi.
2. Postmaster General, Orissa Circle, At, P.O. Bhubaneswar 751001, Dist- Puri.
3. Director, Postal Services, Sambalpur Region, At, P.O. Sambalpur- 768 001, Dist- Sambalpur.
4. Shri Pabitra Kumar Pattnaik, Enquiry Officer-cum-Asst. Director, Recruitment, Office of the Postmaster General, Orissa Circle, At/P.O- Bhubaneswar, Dist- Puri.

... Respondents.

M/s Devananda Misra,
Deepak Misra, R. N. Naik &
S.S. Hota, Advocates

... For Petitioner

Mr. Ashok Misra, Addl. 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 have been permitted 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), In this application under section 19 of the Administrative Tribunals Act, 1985, the petitioner challenges initiation of a departmental proceeding against him and seeks to quash the same.

2. Shortly stated, the case of the petitioner is that at present he is working as S.B.D.C., Cuttack City Division stationed at Cuttack. An allegation was levelled against him that while the petitioner was working as the Sub-Divisional Inspector (Postal) Kalahandi South Subdivision in the year 1981, he gave appointments to two persons , namely, Sarat Kumar Acharya and Santosh Kumar Satapathy in an irregular manner and without following the rules and procedure. It was further alleged against the petitioner that he had drawn the monthly emoluments of Santosh Kumar Satapathy and had converted the same to his own use. On the basis of these allegations, a disciplinary proceeding has been initiated against the petitioner under Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965. This proceeding is sought to be quashed.

3. In their counter, the Opposite Parties maintained that there is credible and unimpeachable evidence against the petitioner to bring home the charge against him and in such circumstances, this Bench shouldnot interfere and allow the prayer of the petitioner.

4. We have heard Mr. Deepak Misra, learned counsel for the petitioner and Mr. Ashok Misra, learned Additional

Standing Counsel for the Central Government at some length.

Mr. Deepak Misra vehemently urged before us that the proceeding should be quashed because from Annexure-R/5 it would be apparently clear that the amount was drawn and disbursed by the Post Master, Bhawanipatna and the Sub- Postmaster, Makhiguda S.O. respectively and in such circumstances by no stretch of imagination it could be concluded that the petitioner had any role to play in the matter and therefore, the proceeding should be quashed and the petitioner should not be made to be un-necessarily harassed and face the hazards of an inquiry. On the other hand, Mr. Ashok Misra, learned Addl. Standing Counsel submits that there is ~~an~~ ~~un~~impeachable evidence against the petitioner especially in view of the fact that the Handwriting Expert is of opinion that the writing of Santosh Kumar Satapathy tallies with the admitted writing of the petitioner and to this contention it was vehemently submitted by Mr. Deepak Misra that such evidence of the Handwriting Expert would carry no value because there have been several defects in the examination of the disputed writings vis-a-vis the admitted writing. After giving our anxious consideration to the arguments advanced at the Bar, we think that for the ends of justice at this stage we should not express any opinion on the merits of the case. We think it appropriate to say that the proceeding should continue and should be conducted and disposed of according to law.

5. We hope and trust that the competent

kn authority would dispose of the proceeding within 120 days

7

from the first day on which the inquiry would commence and we would further direct that the first day for commencement of inquiry should be fixed within one month from the date of receipt of a copy of this judgment by the competent authority. Our direction that the proceeding should be concluded within 120 days as directed by the Director General of Posts & Telegraphs is subject to the condition that the petitioner would co-operate for speedy disposal of the inquiry.

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

Leansings
.....
Member (Judicial).

B.R. PATEL, VICE CHAIRMAN, 9 agree.

20.4.88
.....
Vice Chairman.

Central Administrative Tribunal,
Cuttack Bench.
April 20, 1988/Roy, SPA.