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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH

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ORIGINAL APPLICATION No.273 OF 1987.

Date of decision .. October 23, 1987.

Shri Harischandra Mallik, aged about 46 years,  
son of late Dharanidhar Mallik,  
Sub- PostMaster, Barambagarh Sub-Post Office,  
At, P.O. Barambagarh, Dist- Cuttack.

... Applicant.

Versus

1. Union of India,  
represented by the Secretary, Posts,  
Dak Bhavan, New Delhi 110 001.
2. The Postmaster General, Orissa Circle,  
At, P.O. Bhubaneswar, Dist- Puri.
3. Superintendent of Post Offices,  
Cuttack South Division, Cuttack,  
P.O. & District-Cuttack.

.... Respondents.

M/s Devananda Misra,  
Deepak Misra, R.N.Naik,  
S.S.Hota & A.Deo, Advocates .. For Applicant.

Mr. A.B.Misra, Sr. Standing Counsel  
( Central) .. For Respondents.

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C O R A M :

THE HON'BLE MR. B.R. PATEL, VICE CHAIRMAN

AND

THE HON'BLE MR. K.P.ACHARYA, MEMBER ( JUDICIAL)

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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 proceeding drawn up against the applicant for submitting false T.A. bills before the authorities in regard to his travel under the Leave Travel Concession Scheme is under challenge.

2. Shortly stated, the case of the applicant is that he is the Sub- Post Master of Barambagarh Sub-Post Office within the district of Cuttack. On 17.10.1981 the applicant received a sum of Rs.3,900.00 as an advance to undertake journey to Kashmir under the Leave Travel Concession Scheme. Subsequently the applicant submitted his final bill for encashment. The bill amounted to Rs.9,241.30. It was detected that this final T.A. Bill was a false one as the applicant had not undertaken any journey. Hence a departmental proceeding was initiated against the applicant which is now under challenge.

3. In their counter, the respondents maintained that no illegality having yet been committed in the matter of drawal of a proceeding against the applicant, the matter should be enquired into and this Bench should not extend the hands for interference at this stage.

4. We have heard Mr. Deepak Misra, learned counsel for the applicant and Mr. A.B. Misra, learned Sr. Standing Counsel for the Central Government at some length. We cannot but thoroughly deprecate this action of the postal employees who have drawn advance under the Leave Travel Concession Scheme and without undertaking

a journey have been submitting false T.A.bills. This is undoubtedly reprehensible. But taking taken a lenient view in the matter of punishment in past in regard to some employees against whom similar charges were framed, we think it appropriate to take similar view in this case . Instead of pursuing the applicant and at the worst punishing him it would be beneficial for all concerned to realise the money drawn as advance from the applicant along with interest up-to-date. We would therefore direct that the proceeding in question may be quashed subject to the condition that the applicant would pay back Rs.3,900.00 to the Department along with interest at the rate of 10 % per annum( simple) from the date of drawal of Rs.3,900.00 till the date of final payment. Office of Respondent No.3 should calculate and the exact amount should be intimated to the applicant who should deposit the amount by 31.12.1987. In the meanwhile office of Respondent No.3 should calculate the interest upto 31.12.1987 and inform the applicant. In case the applicant deposits the money earlier then requisite amount towards interest should be re-calculated and accordingly deducted. If the money is not deposited within 31.12.1987 , the proceeding to continue.

5.

Thus, the application is accordingly

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disposed of leaving the parties to bear their own costs.

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Member (Judicial)

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



.....  
Vice Chairman.

Brishtha  
23.10.87

Central Administrative Tribunal,  
Cuttack Bench.  
October 23, 1987/Roy SPA.