

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH

ORIGINAL APPLICATION No. 302 OF 1987.

Date of decision ... March 28, 1988.

Gangadhar Chinara, son of late Panu Chinara,
At & P.O- Satpatna, District- Puri. .. Applicant.

Versus

1. Union of India, represented by Secretary,
Ministry of Communication (Posts),
New Delhi, Dak Tar Bhawan, New Delhi- 110001.
2. Post Master General, Orissa,
At/P.O- Bhubaneswar, Dist- Puri.
3. Senior Superintendent, Post Offices,
Puri Division, At/P.O-Puri, Dist- Puri.
4. Sub-Divisional Inspector (Postal),
Nayagarh West Sub-Division, At/P.O-Nayagarh-752061.
Dist- Puri.

.. Respondents.

M/s C.V.Murty & C.M.K.

Murty, Advocates ...

For Applixant.

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 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 order passed by the competent authority putting off the applicant from duty is under challenge and further more it is prayed to give the petitioner his arrear emoluments for the period during which the petitioner was put off from duty.

2. Shortly stated, the case of the petitioner is that he was an Extra- Departmental Branch Post Master of Satpada Post office within the district of Puri and he was posted as such with effect from 13.1.1981. In course of time the Post Office was upgraded with effect from 27.2.1982 and after the upgradation the petitioner was appointed as a Packer in the same Post Office. The petitioner was put off from duty on 25.6.1986 and vide Annexure-3 dated 10.2.1987, the competent authority said that the proceeding is ordered to be dropped against the petitioner without prejudice to such action as may be deemed proper to be taken against him at a later date because framing of charge appears to be premature and the matter is under further investigation. Even though the proceeding was dropped being premature, the grievance of the petitioner is that he was not ordered to be reinstated and according to the petitioner he is continuing ^{to remain on} ~~put off from~~ duty. In such circumstances, the petitioner came up before this Bench for appropriate direction.

3. In their counter, the Opposite Parties maintained that the petitioner has already been reinstated and therefore, there is no further grievance of the petitioner to be redressed by this Bench and there is no scope for the

Bench to interfere in the matter and therefore, the application should be dismissed .

4. We have heard Mr. C.V.Murty, learned counsel for the petitioner and Mr. A.B.Misra, learned Senior Standing Counsel for the respondents at some length. Learned sr. Standing Counsel relied upon the contents of Annexure- R/1 which indicate that the order putting off the petitioner from duty has been revoked since 15.1.1988, vide Memo No. F1/3/86-87 signed by the Senior Superintendent of Post Offices, Puri Division. It was therefore contended by Mr. Misra that the petitioner has no further cause of action or grievance to be ventilated before this Bench. Mr. Murty submitted that the petitioner has not received a copy of the order revoking the put off duty and therefore the petitioner has not been able to join ^{and} for which he is eager to join. We are unable to come to a definite conclusion as to whether a copy of the order was served on the petitioner because copy of this order has been addressed to Sri G.Chinnara, ED Packer, now under 'off duty', At/P.O- Satpatna, Puri (Through SDI (P) Ngr (W). There is no affidavit filed on behalf of SDI (P) Nayagarh (W) that a copy of this order was served on the petitioner and also there is no statement from the Post Master of Satpatna that a copy of this order was delivered to the petitioner. Though we do not feel inclined to give a definite finding as to whether copy of the order was served on the petitioner , we would direct the petitioner that on the basis of this order, the petitioner should join his duties if he so likes within seven days from today. Mr. Murty having taken notice of this order has ~~xxxx~~ agreed to convey to the petitioner ^{the}

order passed by this Bench.

5. As far as grant of arrear emoluments to the petitioner while he was put off from duty is concerned, we refrain ourselves from giving any opinion on this matter because till now the competent authority is in seisin of the matter to decide whether a disciplinary proceeding would be started. Since the entire matter has not been fully closed, we would direct that the disciplinary authority should pass orders according to rules in the disciplinary proceeding if any started regarding payment of arrears to the petitioner for the period he was put off from duty and the orders passed according to rules by the competent authority would be subject matter of judicial review. In case the authorities finally decide not to initiate any further proceeding against the petitioner, the disciplinary authority should also pass orders according to rules in regard to payment of arrear emoluments for the period for which the petitioner was put off from duty.

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

... ~~Is a~~ ^{as} 28/2/82.
Member (Judicial)

B.R. PATEL, VICE CHAIRMAN, *I agree.*

..... *Burke* 28.3.88
Vice Chairman.

Central Administrative Tribunal,
Cuttack Bench.
March 28, 1988/Roy, SPA.