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(12)

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH

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ORIGINAL APPLICATION No. 337 OF 1987.

Date of decision .. April 26, 1988.

Rajayya Bosi, son of Pottayya Bosi, S.D.O. Post Offices,  
Koraput Division, Jeypore.

.. Applicant.

Versus

1. Union of India, represented by the Secretary in the Ministry of Communication, New Delhi.
2. Post Master General, Orissa Circle, Bhubaneswar, Dist- Puri.
3. U.N. Pattnaik, Asst. Superintendent of Post Offices.
4. L. Badtya, Asst. Superintendent of Post Offices.
5. B. Purohit, Asst. Superintendent of Post Offices.
6. B.C. Jena, Asst. Superintendent of Post Offices.
7. A. Lingaraj, Asst. Superintendent of Post Offices.

Nos. 3 to 7 through the Post Master General, Orissa, Bhubaneswar.

.. Respondents.

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M/s S.C. Ghosh, R.K. Sahoo,  
S. Ghosh & S.K. Das,  
Advocates

.. For Petitioner

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

A N D

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

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1. Whether reporters of local papers may be permitted to see the judgment ? Yes.
  2. To be referred to the Reporters or not ? <sup>NO</sup>
  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 prayer of the petitioner is that the order of punishment passed by the appropriate authority not having been given effect to immediately thereafter, the petitioner has been seriously prejudiced and therefore this Bench should command the respondents to give effect to the order soon after the appropriate authority had passed the order.

2. Shortly stated, the case of the petitioner is that he was serving as Inspector of Post Offices in, Phulbani Division. On a contemplated proceeding, the petitioner was suspended on 8.6.1978 and after that he moved the higher authorities as a result of which the order of suspension was recalled on 14.7.1978. Ultimately the order of suspension was quashed by the Posts & Telegraphs Board on 27.10.1979. Despite quashing of the order of suspension, the disciplinary proceeding continued against the petitioner. The allegation against the petitioner in the disciplinary proceeding was that he had accepted illegal gratification by way of accepting certain commodities in kinds such as rice etc. and had also intentionally harassed his subordinates i.e, E.D. employees by with-holding their monthly emoluments and un-necessarily putting them off. <sup>from duty</sup> The Inquiring Officer found the petitioner guilty of the charges relating to harassment of his subordinates by putting them off from duties and with-holding their monthly emoluments. Accordingly the Inquiring Officer submitted his finding to the disciplinary authority who in his

turn concurred with the findings of the Inquiring Officer and ordered stoppage of one increment for one year. The matter was carried in appeal and the appellate authority reduced the penalty to the stoppage of increment for six months. This order was passed by the appellate authority on 7.10.1982. The petitioner again filed a representation against this order which was disposed of on 30.6.1984 by the Posts & Telegraphs Board upholding the decision of the appellate authority i.e, the Director. The final order passed by the Director of Posts and Telegraphs Board was not given effect to till 1.2.1986. The petitioner has a grievance on this point namely if the order would have been given effect to soon after 30.6.1984 , then the petitioner would not have undergone the monetary loss . Prayer of the petitioner is confined only to the extent of giving effect to the order of punishment from 1984.

3. In their counter, the respondents maintained that no illegality has been committed by giving effect to the order from 11.2.1986 and it is further maintained that the case being devoid of merit is liable to be dismissed.

4. We have heard Mr. S.C.Ghosh, learned counsel for the petitioner and Mr. A.B.Misra, learned Sr. Standing Counsel for the Central Government at some length. After giving our anxious consideration to the arguments advanced at the Bar, we are of the opinion that immediately after

the Posts & Telegraphs Board dismissed the representation of the petitioner upholding the order of the appellate authority, the order should have been given effect to i.e, soon after 30.6.1984. There was no justification in withholding this matter till 1986 especially when there was financial involvement and promotional benefits to be awarded in favour of the petitioner subject to his suitability. We further hold <sup>and direct</sup> that the order of punishment be given effect to from the date on which the increment due to the petitioner falls after 30th June 1984 and his financial emoluments and service benefits, such as, promotion etc. be given to the petitioner subject to his suitability and as per rules after this order of punishment spends its force.

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

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Member ( Judicial )

B.R. PATEL, VICE CHAIRMAN,

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Vice Chairman.

Central Administrative Tribunal,  
Cuttack Bench.  
April 26, 1988/Roy, SPA.