

IN

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH.

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ORIGINAL APPLICATION NO. 393 OF 1987

Date of decision ... May 17, 1988.

Sri Padmanav Arukh, aged about 45 years,  
s/o- late Bhubaneswar Arukh,  
Branch Postmaster, Motabadi,  
Via- Bellaguntha, Aska Sub-Division,  
Dist- Ganjam. ...

Applicant.

Versus

1. Union of India, represented by the  
Additional Postmaster General, Orissa Circle,  
Bhubaneswar, Dist- Puri.
2. Superintendent of Post Offices,  
Aska Sub-Division, Aska- 761 110.

... Respondents.

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Mr. P.V.Ramdas, Advocate ...

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

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 ? No
  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, prayer of the petitioner is to grant him back wages from the date on which the petitioner was put off from duty till reinstatement.

2. Shortly stated, the case of the petitioner is that he was an Extra- Departmental Branch Post Master, Motabadi near Bellaguntha within the district of Ganjam. On 31.1.1976 the petitioner was put off from duty and a disciplinary proceeding was initiated against him on 8.7.1978 on an allegation that he had forged the signatures of the payee in respect of two money-orders and had mis-appropriated the amount which came to Rs.1,400/-. The petitioner was found guilty and was removed from service. Hence he filed an application under Article 226 of the Constitution of India before the Hon'ble High Court of Orissa which formed subject matter of O.J.C.No.1257 of 1980. Later this case was transferred under section 29 of the Administrative Tribunals Act, 1985 which formed subject matter of T.A.No. 124 of 1986. This case was heard and disposed of by this Bench in a judgment dated 30.10.1986. We quashed the order of punishment and exonerated the petitioner from the charges. Hence this application has been filed with the aforesaid prayer.

3. In their counter, the respondents maintained that in the judgment there is no mention of the fact that the petitioner will be entitled to back wages and therefore, it is maintained on behalf of the respondents that it is too late in the day for the petitioner now to claim back wages and

further more it is maintained that under Rule 9 the delinquent officer is not entitled to any back wages and therefore the application being devoid of merit is liable to be dismissed .

4. We have heard Mr. P.V.Ramdas, learned counsel for the petitioner and Mr. A.B.Misra, learned Senior Standing Counsel for the Central Government at some length .In the concluding portion of the judgment, we have mentioned as follows :-

" Hence, we find that it is a case of no evidence and therefore without least hesitation we would set aside the punishment imposed on the petitioner and we direct that he should be immediately reinstated into service and all his service benefits be given to him within three months from today " .

Mr. Ramdas strenuously pressed before us that the Bench having allowed all service benefits to the petitioner automatically the petitioner is entitled to back wages.

We are unable to agree with Mr. Ramdas because of the bar created under Rule 9 . However , in past in some cases we have given a grace period to the departmental authorities to process the matter. From a particular date we have given the petitioners their back wages keeping in mind the unreasonable and undue delay caused by the departmental authorities in processing the matter. Applying the principles adopted in those cases to the facts of the present case, it will be found that the judgment was delivered on 30.10.1986 and the petitioner was reinstated into service on 8.3.1987 . The

judgment was despatched from this office on 10.11.1986 and therefore we presume that by 15.11.1986 the concerned Superintendent must have received a copy of the judgment. We would allow a grace period of one month to the Superintendent to finalise the processing of the matter to reinstate the petitioner into service and therefore we would hold that from 16.12.1986 till 17.3.1987 the petitioner will be entitled to all his back wages which may be paid to him within two months from the date of receipt of a copy of this judgment.

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

B.R. PATEL, VICE CHAIRMAN,

g agree .

*[Signature]*  
.....17.5.88.....  
Member (Judicial)

*[Signature]*  
.....17.5.88.....  
Vice Chairman.



Central Administrative Tribunal,  
Cuttack Bench.  
May 17, 1988/Roy, SPA.