

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH**

ORIGINAL APPLICATION NO. 397 OF 1987

Date of decision .. April 26, 1988.

Golak Chandra Misra,  
Ex. E.D.T.M.P., Cuttack-Pattamundai Line,  
District- Cuttack, at present at village-  
Karilo, P.S. Baghuni, Via. Asureswar,  
District- Cuttack- 754 209. .. Applicant.

## Versus

1. Union of India, represented by its Secretary in the Department of Posts, Dak Bhavan, New Delhi.
2. Postmaster General, Orissa Circle, At, P.O. Bhubaneswar, Dist- Puri.
3. Superintendent of Post Office, Cuttack North Division, Cuttack- 753 001.
4. Shri Abhimanyu Nayak, Sub-Divisional Inspector ( Postal ), Kendrapara Sub-Division, Kendrapara- 754 211, Dist- Cuttack.
5. Shri P.L.Bhol, Inspector of Post Offices, Salepur Sub-Division ( Postal ), At/P.O- Salepur, Dist- Cuttack.

.. **Respondents.**

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

**For Petitioner**

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 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 .

JUDGMENT

K.P.ACHARYA, MEMBER (J), In this application under section 19 of the Administrative Tribunals Act, 1985, the petitioner challenges the order of dismissal passed against him by the competent authority.

2. Shortly stated, the case of the petitioner is that he was an Extra- Departmental Branch Mail Paon, Cuttack- Pattamundai Line and during 5.2.1979 to 25.4.1979 the petitioner remained unauthorisedly absent, without giving any substitute, for which Government work seriously suffered and thereafter a disciplinary proceeding was initiated against the petitioner which culminated in his dismissal from service. Being aggrieved by this order of punishment, the petitioner has come up before this Bench for interference.

3. In their counter, the respondents maintained that no illegality having been committed during the course of inquiry, principles of natural justice not having been violated in any manner whatsoever, this Bench should not interfere with the order of punishment.

4. We have heard Mr. Deepak Misra, learned counsel for the petitioner and Mr. A.B. Misra, learned Sr. Standing Counsel for the Central Government at some length. Mr. Deepak Misra pointed out to us that the inquiry had commenced on 20.5.1980 and it came to an end on 6.2.1982. Further contention of Mr. Misra is that though in such a small matter the inquiry went <sup>on for</sup> about ~~for~~ two years, yet no final orders were passed till 30.7.1987. The democle~~e~~ sword was made to hang on the petitioner for five and half years. In his application, this has been the specific averment

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and under which the petitioner prays redress . This fact has not been denied in the counter . Therefore, we take this statement of fact made in the petition to be true that the inquiry was conducted for two years and thereafter the matter was finalised in a course of five years. This action on the part of the officers concerned is in direct violation of the departmental instructions given by the Director General of Posts & Telegraphs that every inquiry must be finished within 120 days. Even though we do not appreciate the conduct of the petitioner in remaining absent for some months without giving necessary intimation or substitute, yet we also cannot appreciate the conduct of the Inquiring Officer and the disciplinary authority in sleeping over this matter for such a long period i.e, for about 7 years. Taking into account all these circumstances, we would quash the proceeding and exonerate the petitioner from the charges. We would further direct that the petitioner shall not be reinstated to the post which he was holding because in the meantime somebody else <sup>must have</sup> ~~else~~ has been appointed. We would not like to disturb him. In case somebody has been appointed the petitioner be considered for a fresh appointment in any other vacancy which would subsequently arise.

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

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

*By .....*  
.....  
Member ( Judicial )

*.....*  
.....  
Vice Chairman

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