

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH

ORIGINAL APPLICATION NO. 400 OF 1987.

Date of decision .. April 12, 1988.

Harischandra Mahanto, son of late Srinivas Mahanta,
At/P.O- Gudialbandh, District- Mayurbhanj, at present
working as Extra- Departmental Branch Postmaster,
At/P.O- Gudialbandha, Dist- Mayurbhanj.

... Applicant.

Versus

1. Union of India,
represented by the 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 Offices,
Mayurbhanj, At & P.O.- Baripada,
Dist- Mayurbhanj. ...

Respondents.

M/s Deepak Misra, R.N.Naik,
S.S.Hota & R.N.Hota, Advocates ...

For Applicant.

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 of not ?
3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes .

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 petitioner claims his arrear emoluments for the period beginning from 17.5.1985 to 16.10.1986.

2. Shortly stated, the case of the petitioner is that while he was functioning as Extra- Departmental Branch Postmaster, Gudialbandh Branch Post Office within the district of Mayurbhanj, he was put off from duty on 27.3.1984 as the criminal law was set into motion against him under section 379/34 IPC which formed subject matter of G.R. Case No. 219 of 1984. Learned Chief Judicial Magistrate, Mayurbhanj by his order dated 10.5.1985 acquitted the petitioner under section 320(8) Cr.P.C. After acquittal the petitioner made a representation on 17.5.1985 for reinstatement and the order of reinstatement was passed on 17.10.1986 in consequence of which the petitioner joined on 31.10.1986. Hence the petitioner claims all his arrear emoluments with effect from 17.5.1985 till 17.10.1986.

3. In their counter, the Opposite Parties maintained that the petitioner is not entitled to the emoluments for the said period as it would take some time for the concerned authorities to process the matter and pass orders finally. Hence, according to the Opposite Parties, the application being devoid of merit is liable to be dismissed.

4. We have heard Mr. Deepak Misra, learned counsel for the petitioner and Mr. A.B.Misra, learned Senior Standing Counsel for the Central Government on merits at some length.

It was submitted by the learned Sr. Standing Counsel that a police report was called for on 25.5.1985 and the police took some time to submit the report which was submitted on 12.5.1986 and thereafter an order was passed by the competent authority reinstating the petitioner and there being no lacuna on the part of the Opposite Parties, the application is liable to be dismissed.

5. We have heard Mr. Deepak Misra, learned counsel for the petitioner and Mr. A.B.Misra, learned Sr. Standing Counsel at some length. After the order of acquittal was passed by a competent Criminal Court vide Annexure-1 there was no occasion to call for a further police report. Utmost respect has to be attached to the order passed by the Criminal Court and no police report can supersede it. Hence the authorities should have immediately acted upon the judgment given by the learned Chief Judicial Magistrate, been Mayurbhanj. The order having passed on 10.5.1985 and the representation for reinstatement having been filed on 17.5.1985 we are of opinion that the departmental authorities should take a reasonable time to process the matter and pass final orders and for that purpose we would grant two months time to the departmental authorities and therefore the petitioner is entitled to his arrear emoluments with effect from 17.5.1985 to 17.10.1986. The arrear emoluments be paid to the petitioner within two months from the date of receipt of a copy of this judgment.

6. Thus, the application is accordingly disposed of.

of leaving the parties to bear their own costs.

Keassays
.....12.4.88.
Member (Judicial)

B.R. PATEL, VICE CHAIRMAN,

I agree.

Armen
.....12.4.88
Vice Chairman.



Central Administrative Tribunal,
Cuttack Bench.
April 12, 1988/Roy, SPA.