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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 98 OF 1987.

Date of decision : April 22, 1987.

Rabindranath Ghadei ... Applicant.

Versus

Union of India and others ... Respondent.

M/s. P. V. Ramdas,
B. K. Panda, Advocates ... For Applicant.

Mr. A. B. Mishra, Senior 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)

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1. Whether reporters of local papers may be allowed to see the judgment ? Yes.
 2. To be referred to the Reporters or not ? Yes.
 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 applicant prays for quashing of the order passed under Annexures-1 and 2 putting off the applicant from duty.

2. Succinctly stated, the case of the applicant is that he is the Extra departmental Branch Post Master attached to Goudagop Post office situated within the district of Cuttack. Certain allegations are said to have been levelled against the applicant for causing temporary misappropriation of Government cash. On this allegation a proceeding was contemplated and therefore the applicant was put off from duty on 7.11.1986. It is submitted on behalf of the applicant that as yet the proceeding has not been initiated for which the applicant feels aggrieved and has prayed for quashing the order passed by the competent authority putting off the applicant from duty.

3. After hearing learned counsel for both sides we are of the view that in this case there is some delay on the part of the competent authority not having concluded the matter. We do not think it justifiable to set aside the order of suspension/putting off from duty. In this connection, our attention was invited to letter No.104/-11/77-Disc.II dated 24.2.1979 in which the Director General of Posts and Telegraphs has directed that all such proceedings should be disposed of within 120 days. The contents of the letter in question is quoted below.

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" It is also necessary that Disciplinary Authority makes every effort to finalise the disciplinary proceeding and pass final orders, so that an E.D. Agent may not remain put off duty for a period exceeding 120 days. Heads of Circles should draw up a time table for ensuring finalisation of disciplinary cases within this period. In case, for any unavoidable reasons, it has not been possible to finalise a case within this period, the matter should be reported immediately to the next superior authority giving full justification why the E.D. Agent cannot be taken back to duty pending finalisation of the case. The superior authority should on receipt of the report, immediately review the case and consider :

- (i) Whether there is justification to continue the E.D. Agent concerned off duty for a further period; and
- (ii) What steps should be taken by the Disciplinary Authority to eliminate all avoidable delay in finalising the case.

The Heads of Circles are requested to bring these instructions to the notice of all concerned, for very strict compliance. It should be understood by the competent authorities that it would be their personal responsibility to the guidelines given in the previous paragraphs. "

We hope that the officers subordinate to the Director General of Posts and Telegraphs would pay due respect to the directives given by the Director General. In the circumstances stated above we would direct that in case the competent authority is of opinion that there is prima facie case against the applicant for framing a charge, it should be so done immediately and the charge sheet should be delivered to the applicant within three weeks from the date of receipt of a copy of this judgment and within five months from the date of receipt of a copy of this judgment, the proceeding if any, should be disposed of failing which the order putting off the applicant from duty would automatically stand vacated.

4. Thus, this 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, Cuttack.
April 22, 1987/S. Sarangi.