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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH : CUTTACK.

Original Application No.156 of 1988

Date of decision : July 14, 1988.

Dharanidhar Sukla,
aged about 41 years, son of
Krushna Chandra Sukla,
Ex-Postal Assistant,
Kiriburu Hilltop Sub Post Office,
at present residing at and P.O.
Talapada, District- Keonjhar. ...

Applicant.

Versus

1. Union of India,
represented by its Secretary,
Department of Posts, New Delhi.
2. Postmaster General,
Orissa Circle, At, P.O.
Bhubaneswar, District-Puri.
3. Director, Postal Services,
Sambalpur Region,
At/P.O./District-Sambalpur.

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Respondents.

For the applicant ... M/s. Deepak Misra,
R.N. Nayak,
A. Deo, Advocates.

For the respondents ... Mr. A. B. Mishra, Senior
Standing Counsel (Central)

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 allowed 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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JUDGMENT

K.P.ACHARYA, MEMBER (J)

In this application under section 19 of the Administrative Tribunals Act, 1985, the order of punishment passed by the competent authority contained in Annexure-2 is under challenge.

2. Shortly stated, the case of the applicant is that he was serving as Postal Assistant in Kiriburu Post Office within the district of Keonjhar. In June, 1983 the applicant drew Rs. 800/- as advance under the Leave Travel Concession scheme to undertake journey from Anandpur to Bombay. Sometime later, the applicant submitted a bill for Rs. 1,591.60 paise and in due course it was found that the applicant had not undertaken the journey and had filed false travelling allowance bill. On this allegation the applicant has been proceeded against in disciplinary proceeding and even the disciplinary authority ordered stoppage of one future increment of the applicant without cumulative effect, yet the reviewing authority disagreed with the disciplinary authority and ordered compulsory retirement of the applicant. Hence, this application.

3. In their counter, the respondents maintained that no illegality has been committed by the reviewing authority because the aforesaid nature of illegality being committed by different officials having occurred so frequently, deterrent punishment in the matter is an essential requirement for maintaining absolute discipline in administration. Hence, according to the respondents, the case being devoid of merit, is liable to be dismissed.

V.W.

4. We have heard Mr. Deepak Misra, learned counsel for the applicant and learned Senior Standing Counsel (Central), Mr. A. B. Mishra at some length. It was told to us by Mr. Deepak Misra that the initial punishment awarded by the disciplinary authority is on the admission made by the applicant that he had not undertaken the journey and therefore, the disciplinary authority took a liberal view in the matter. Mr. Misra also submits that a sum of Rs. 800/- has been realised from the applicant. When these facts are undisputed, we have no hesitation in our mind to hold that everybody should be eager and should cooperate in the matter of enforcement of discipline in the administration. But each case would differ from the other and it would be governed by its ^{own} facts and circumstances. Here is a case where the applicant has made a clean confession. The money has been realised with interest - orders of similar nature have been passed by us in the past in several cases and we do not think it expedient in the interest of justice to make a departure in the present case. Therefore, we would hereby quash the order contained in Annexure-2 compulsorily retiring the applicant and we would restore the order of the disciplinary authority that one future increment of the applicant be stopped without cumulative effect and we think this would meet the ends of justice. The applicant should be reinstated within 16th August, 1988 but he would not be entitled to any back wages.

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

B.R.PATEL, VICE-CHAIRMAN,

9 agree.

Central Administrative Tribunal, Cuttack Bench, Cuttack.
July 14.1988/S. Sarangi.



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Member (Judicial)
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14.7.88

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Vice-Chairman.
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