

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH

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Original Application No. 184 of 1988.

Date of decision : September 29, 1988.

Gobinda Chandra Patra, at present working as Telegraph Master  
Central Telegraph Office, Rourkela, Dist- Sundargarh.

... Applicant.

Versus

1. Union of India, represented by its Secretary, Department of Communication, New Delhi.
2. General Manager, Telecommunication, At/P.O- Bhubaneswar, Dist- Puri.
3. Assistant Superintendent, Telegraph Traffic In-charge, Central Telegraph Office, Rourkela- 769 001, Dist- Sundargarh.

... Respondents.

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M/s Deepak Misra, A. Deo &  
R. N. Naik, Advocates ... 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 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, prayer of the petitioner is for a direction to the Opposite Parties not to initiate any departmental proceeding against the petitioner.

2. Shortly stated, the case of the petitioner is that he is a Telegraph Master attached to the Central Telegraph Office, Rourkela. It is stated that the petitioner had taken an advance of Rs.6,400/- to purchase a scooter. He did not do so. Hence the petitioner has been called upon vide Annexure- 4 dated 2.6.1988 to explain as to why suitable disciplinary action should not be taken against him for the irregularities pointed out in the matter of purchase of the scooter. Being aggrieved by this order, the petitioner has come up before this Bench.

3. In their counter, the Opposite Parties maintained that the petitioner has committed gross illegalities in violation of the established practice to purchase the automobile soon after taking advance and though the petitioner was given the advance he did not comply with the terms of the agreement contained in Annexure-R/4. Therefore, the petitioner has been rightly called upon to explain his conduct which should not be interfered with by this Bench.

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. Misra,

learned Sr. Standing Counsel vehemently contended that in view of the terms of the agreement embodied in Annexure-R/4 and such terms having been violated by the petitioner, the competent authority was fully justified in calling upon the petitioner to explain his conduct. There being no illegality on the part of the competent authority, no interference is called for in this matter. We are in complete agreement with the contentions of the learned Sr. Standing Counsel that there was ample justification on the part of the competent authority to call for the petitioner to explain his conduct covered under Annexure-R/4 but at the same time we cannot lose sight of the fact that the petitioner is willing to deposit the entire amount with interest. Considering this case from all its aspects, no fruitful purpose ~~is~~<sup>will be</sup> achieved if the petitioner is even punished in a departmental proceeding. Therefore, we would direct that the petitioner should deposit Rs. 6,400/- with penal interest from the date of drawal till the date of deposit less amount already deposited by the petitioner, if any. We direct that the petitioner should deposit the entire amount due with penal interest by 30.11.1988. After realisation of the amount, no further action need be taken. The penal interest up to the date of deposit, namely, 30.11.1988 be calculated and the petitioner should be informed and a receipt in token of having received the communication should be obtained from the petitioner.

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

*Keaswala*  
.....  
29.9.88  
Member (Judicial)

B.R. PATEL, VICE CHAIRMAN,



*Arvind*  
.....  
29.9.88  
Vice Chairman.

Central Administrative Tribunal,  
Cuttack Bench.  
September 29, 1988/Roy, Sr.P.A.