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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH

Original Application No. 200 of 1988.

Date of decision : September 8, 1988.

Giridhari Ram, son of late Jayakrishna Ram,
At/P.O-Babujang, Via- Tyndakura, Dist- Cuttack.

..... Applicant.

Versus

1. Union of India, Department of Posts
Ministry of Communications, represented
through the Secretary, Government of India,
New Delhi.
2. Postmaster General, Orissa Circle ,
Bhubaneswar - 751 001.
3. Superintendent of Post Offices,
Cuttack South Division, Cuttack- 753 001.
4. Sub-Divisional Inspector (Postal),
Cuttack Central Sub-Division, Cuttack-753 001.

..... Respondents.

Mr. D.P.Dhalsamant, Advocate For Applicant.

Mr. A.B.Misra, Sr. Standing Counsel

&

Mr. Tahali Dalai, Addl. 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 permitted
to see the judgment? Yes .
 2. Whether 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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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 prays to quash the proceeding which was initiated against him.

2. Shortly stated, the case of the petitioner is that he was working as Extra- Departmental Delivery Agent of Babujang Branch Post Office within the district of Cuttack. On 22.3.1978 the petitioner was put off from duty on a contemplated proceeding and the proceeding was initiated on 10.9.1980 on an allegation of mis-appropriation. A regular inquiry was conducted and it is said that the inquiry was closed on 30.3.1982 when the applicant was asked to submit the written statement and the written statement was submitted on 16.9.1982. Thereafter no orders are said to have been passed and the petitioner is languishing without a job.

3. In their counter, the Opposite Parties maintained that since the proceeding file is not traceable, the disciplinary authority is not in a position to finally pass orders and hence it is maintained by the Opposite Parties that there being no merit in the case the same is liable to be dismissed.

4. At the out-set, we are surprised to note as to how the respondents could maintain in their counter that the petitioner is not entitled to any relief sought because the file is not traceable. This is a fact which should be taken serious notice by the Postmaster General.

5. After hearing Mr. Dhalsamant, learned counsel for the petitioner and Mr. Tahali Dalai, learned Addl. Standing Counsel for the Central Government at some length, we are of opinion that there has been gross injustice done to the petitioner by making the democle sword^{to} hang on him for the last ten years due to utter carelessness and negligence of the disciplinary authority. We cannot persuade ourselves to swallow^w for a moment that the petitioner should be made to face harassment because of non-traceable of the file in question which is not only due to the negligence of the disciplinary authority or the Inquiring Officer but it is against all canons of equity, justice and fair play. We take a very serious view of this matter and we hope the Postmaster General would take equally a serious view of the matter because it is in clear derogation of the directions given by the Director General of Posts & Telegraphs that every proceeding must culminate within 120 days from the date of its institution. We are distressed to note that there are employees in the Postal Department who could care to disregard the instructions issued by the Director of Posts & Telegraphs and so also the directions issued by the Postmaster General after recommendation in some of our judgment. However, we again request the Post Master General to take a very serious view of the matter and cause an inquiry against the defaulter and if found guilty severe punishment should be awarded to him allowing compensatory damages to be paid to the ~~as the~~ petitioner by the defaulter.

6. In view of the aforesaid circumstances, we

do hereby quash the proceeding against the petitioner and direct his reinstatement positively within one month from the date of receipt of a copy of this judgment. A special copy of this judgment be sent to the Postmaster General in ^{his} name cover for his information and immediate necessary action in regard to initiation of an inquiry against the person or persons responsible for the delay in disposal of the proceeding and the loss of the relevant file, ^{he instigated}

7. Thus , the application stands allowed leaving the parties to bear their own costs.

[Signature]
8.9.88
.....
Member (Judicial)

B.R. PATEL, VICE CHAIRMAN ,

I agree.



[Signature]
8.9.88
.....
Vice Chairman.

Central Administrative Tribunal,
Cuttack Bench.
September 8, 1988/Roy, Sr.P.A.