

(6) II

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No.217 of 1988.

Date of decision : April 30,1990.

Bideshi Chandra Behera ... Applicant.

Versus

Union of India and others ... Respondents.

For the applicant .. M/s. Deepak Misra,
Anil Deo, Advocates.

For the respondents ... Mr. Ganeswar Rath,
Sr. Standing Counsel
(Central)

CORAM:

THE HON'BLE MR.B.R.PATEL, VICE-CHAIRMAN

A N D

THE HON'BLE MR.N.SENGUPTA, 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.

J U D G M E N T

N.SENGUPTA, MEMBER (J) The applicant in this case challenges the order of the disciplinary authority removing him from service and the order of the appellate authority confirming the said order.

Mr. Deepak
30/4

2. For what we are going to state below, it is unnecessary to make a detailed narration of facts. The applicant faced a disciplinary proceeding on the allegation of dishonest misappropriation of money forging the Left thumb impression of one of the depositors and in another case not bringing forward the amount of deposit to the Branch Office accounts. For enquiry into the charges an enquiring officer was appointed who gave his report to the disciplinary authority. The Disciplinary authority i.e. the Superintendent of Post Offices, Mayurbhanj Division, Baripada by his order dated 13.8.1984 agreeing with the findings of the enquiring Officer passed an order of removal of the applicant from service. He along with the order imposing the penalty gave a copy of the enquiry report to the applicant. The applicant thereafter preferred an appeal which was eventually heard and disposed of by the Additional Postmaster General, Orissa Circle, Bhubaneswar by his order dated 18.7.1986.

3. The respondents have filed a detailed counter to all the allegations made by the applicant in his application but it is not very necessary to set them out in detail except saying that it is their case that the applicant really misappropriated the amount and the same was proved in the course of enquiry. Therefore, the applicant is not entitled to any of the reliefs asked for by him.

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30/4/90

4. We have heard Mr. Deepak Misra, learned counsel for the applicant and Mr. Ganeswar Rath, learned Senior Standing Counsel (Central) for the respondents. As has been indicated above, a copy of the enquiry report was given along with the order imposing the penalty. What the result in such a case would be has been authoritatively laid down by a Full Bench of this Tribunal in the case of Premnath K. Sharma v. Union of India and others reported in 1988 (3) SLJ 449 (CAT). In view of this decision it is unnecessary to make a detailed discussion about other contentions raised by learned Advocates in support of the application or the counter. Apart from that, no personal hearing appears to have been given by the appellate authority. For these reasons we would quash the order of removal (Annexure-2) and consequently the appellate order at Annexure-3. The applicant be reinstated in service within three weeks from the date of receipt of a copy of this judgment. However, it is made clear that quashing of Annexures-2 & 3 does not preclude the respondents from proceeding with the enquiry from the stage of submission of the report of the enquiry, nor is any opinion expressed as to how the period spent in the proceeding prior to the date of passing of order of removal would be treated, it should depend on the ultimate result of the disciplinary proceeding. There shall be no order as to costs.

[Signature]
 30.4.90
 Vice-Chairman



[Signature]
 30/4/90
 Member (Judicial)