

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH : CUTTACK.

Original Application No. 264 of 1988.

Date of decision : December 2, 1988.

Purna Chandra Sahu, aged about 38 years,  
son of late Baishnab Charan Sahu, at present  
working as Office Assistant, Postal Stores  
Depot, At/P.O./District-Sambalpur.

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Applicant.

Versus

1. Union of India, represented by its  
Secretary, Department of Posts,  
Dak Bhavan, New Delhi.
2. Postmaster General, Orissa Circle,  
At/P.O. Bhubaneswar, District-Puri.
3. Superintendent of Postal Stores Depot,  
At/ P.O./District-Sambalpur.
4. Shri R.N.Sahu, Assistant Superintendent  
of Post Offices, Incharge, Rourkela-cum-  
Inquiry Officer, At/P.O. Rourkela, Dist-  
Sundargarh.

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Respondents.

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

For the Respondents ... Mr. A.B. Mishra, Sr. Standing Counsel  
(Central)

Mr. T. Dalai, Addl. Standing Counsel  
(Central)

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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)

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.

JUDGMENT

K.P.ACHARYA, MEMBER (J) In this application under section 19 of the Administrative Tribunals Act, 1985, the applicant challenges the order passed by the competent authority initiating disciplinary proceeding against him on an allegation that the applicant had submitted false Travelling Allowance Bill in regard to his claim for travelling under the Leave Travel Concession scheme with his dependent mother and brother.

2. Shortly stated, the case of the applicant is that he is working as an Office Assistant under the Postmaster General, Orissa and he took an advance of Rs.860/- to undertake journey from Sambalpur to Madras and therefrom to Kanyakumari. On 23.11.1987 the applicant submitted his final Travelling Allowance bill amounting to Rs.1,452/-. On enquiry it was found that the claim of the applicant towards the T.A. of his dependent mother and brother was false and therefore, a proceeding has been initiated against him for having misconducted himself. Hence, this application has been filed with prayer to quash the proceeding.

3. In their counter, the respondents maintained that no illegality has been committed in the matter of initiation of proceeding and the case is one of full proof evidence and as such at this stage, the Bench should not quash the proceeding.

4. We have heard Mr. Deepak Misra, learned counsel  
*for*

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for the applicant and Mr. Tahali Dalai, learned Additional Standing Counsel (Central) at some length. Ofcourse, stringent view should be taken in cases of this nature in order to avoid loss to the Government. But in the past in cases of similar nature we have quashed the proceeding because in a case arising at Bhadrak the departmental authorities did not like to proceed against certain officials who had committed similar misconduct and had exonerated those officials after they had deposited the amount drawn by them. We also took ~~the~~ similar view while disposing of certain cases on our judicial side. Taking into consideration the facts and circumstances of this case we would direct that the applicant should deposit the amount claimed by him in the T.A. Bill <sup>and drawn as advance</sup> for his dependent mother and brother within 3.1.1989 along with interest at the rate of 18 % per annum from the date of drawal of the advance till the date of deposit.

Subject to this condition, the proceeding is hereby quashed. In case the money is not deposited by 3.1.1989, the proceeding should continue.

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

*2/12/88*  
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Member (Judicial)

B.R.PATEL, VICE-CHAIRMAN,

*I agree.*

*2/12/88*  
.....  
Vice-Chairman

Central Administrative Tribunal,  
Cuttack Bench, Cuttack.  
December 2, 1988/S. Sarangi.