CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH:CUTTACK.

Original Application No.333 of 1988.

Date of decision : December 21,1988.

Harihar Das, aged about 40 years,
son of Anam Charan Das, at present working
as Telegraph Assistant, Central Telegraph
Office, At,P.O.Bhubaneswar, District-Puri.

... Applicant.

Versus

1. Union of India , represented by its
Secretary, Department of Telecommunications,
New Delhi-110001.

2. Chief General Manager, Telecommunication,
Orissa, At,P.O.Bhubaneswar, Dist-Puri.

3. Senior Superintendent,
Telegraph Traffic Division,
At/P.O.Bhubaneswar, Dist-Puri.

... Respondents.

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

For the respondents ... Mr.A.B.Mishra,Sr.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.

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 applicant prays to quash the departmental proceeding initiated against him for having submitted false Travelling Allowance Bill on account of his travel from Cuttack to Badrinarayan under the Leave Travel Concession Scheme.

2. Shortly stated, the case of the applicant is that he is a Telegraph Assistant in the Central Telegraph Office, Bhubaneswar. For the block period 1978-81 the applicant wanted to perform journey from Cuttack to Badrinarayan under the Leave Travel Concession scheme and for that purpose the applicant is said to have submitted a bill for Rs.Rs.1,716/- asserting that he had undertaken the journey and therefore, he was entitled to the aforesaid amount. The concerned authority passed the bill and the applicant received the amount. Thereafter, it came to the notice of the concerned authority that the applicant had not undertaken the journey and had submitted a false T.A.bill for which a departmental proceeding has been initiated against the applicant for having misconducted himself. Hence, this application with the aforesaid prayer.

3. In their counter, the respondents maintained that this gross misconduct on the part of the applicant should not be excused under any circumstances and the applicant has been rightly proceeded against. It is further maintained by the respondents since the case involves full proof

evidence, at this stage the Bench should not quash the departmental proceeding.

4. We have heard Mr.Deepak Misra, learned counsel for the applicant and Mr.A.B.Mishra, learned Senior Standing Counsel (Central) at some length. It was submitted by Mr.Deepak Misra that the view already taken by this Bench should apply mutatis mutandis to the facts of the present case namely proceeding should be quashed subject to the condition that the applicant should refund the amount in auestion with penal interest. Ofcourse, in the past we had taken such a view because the departmental authorities in the case of certain officers of Bhadrak had taken the similar view and had leniently dealt with those officers and therefore, in order to avoid discrimination we had adopted the same procedure. We think there is considerable force in the contention of learned Senior Standing Counsel (Central) Mr.A.B.Mishra that this racket should be put to an end because it is creating a lot of difficulties for the Government. In reply thereto it was submitted by Mr.Deepak Misra that the lenient view already taken by this Bench and applied today to be taken in this case is for the block period of 1978-81. Mr.Deepak Misra further submitted that stringent view should not be taken for the block period of 1978-81 as no officer of the Telegraphs Department would ever misconduct himself in this way because many of them have already learnt a lesson. Consdering the arguments advanced by learned counsel appearing for both sides we think so far as the block period of 1978-81 is concerned, lenient view should be taken as in the past and this should not be

treated as precedent for the subsequent block period. Following the view already taken by this Bench in several cases in the past we would direct that the proceeding be quashed subject to the condition that the applicant would pay Rs.1,716/-by 28.2.1989 with interest at the rate of 12 % per annum from the date of drawal of the amount till the date of deposit.

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

21.12.88

Member (Judicial)

B.R.PATEL, VICE-CHAIRMAN, I agree.

21.12.88

Vice-Chairman

Central Administrative Tribunal,
Cuttack Bench, Cuttack.
December 21, 1988/S.Sarangi.