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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Date

Original Application No.368 of 1988

Date of decision 29th March, 1989.

1. Dolagobinda Mohanty,
at present working as Telegraph
Overseer, Departmental Telegraph Office,
At/P.O.Berhampur, District-Ganjam.
..... Applicant

-Versus-

1. Union of India represented by
its Secretary, Department of
Telecommunications, New Delhi 110001.
2. Chief General Manager, Telecommunication,
Crissa, At, P.O.Bhubaneswar, Dist.Puri.
3. Senior Superintendent,
Telegraph Traffix Division,
At/P.O.Bhubaneswar, Dist.Puri.
..... Respondents.

For the Applicant

M/s.Devanand Misra,
Deepak Misra, R.N.Naik
& A. Deo, Advocates

For the Respondents.

Mr.A.B.Misra, Senior
Standing Counsel(Central)
and Mr.T.Dalei, Addl.S.C.

C O R A M :

THE HON'BLE MR.B.R.PATEL, VICE-CHAIRMAN
AND
THE HON'BLE MR.K.P.ACHARYA, MEMBER(JUDICIAL)

1. Whether reporters of local papers may be allowed
to see the judgement ? Yes
2. To be referred to the Reporters or not ? **N**
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 proceeding pending against him for having misconducted himself.

2. Shortly stated, the case of the applicant is that he is an employee under the Telegraphs Department and in the year 1982 he drew an advance of Rs.1300/- to perform journey under the Leave Travel Concession scheme from Bhubaneswar to Badrinarayan. The applicant reported to his concerned authorities that he had undertaken the journey by M/s. Jagannath Travelling Service and accordingly he submitted his final travelling allowance bill. Certain adverse reports were received by the competent authority and on enquiry it was found that the applicant had not performed the journey and therefore, ^{proceeding} an enquiry was initiated which is under challenge.

3. In their counter, the respondents maintained that at this stage the proceeding should not be quashed. The entire evidence should come up and therefore, the disciplinary authority should be allowed to pass necessary orders which could be the subject matter of judicial review in future and therefore, the Bench should not interfere at this stage.

4. We have heard Mr. Deepak Misra, learned counsel for the applicant and Mr. Tahali Dalai, learned Additional Standing Counsel (Central) at some length. In the past,

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in cases of this nature, we have taken a liberal view following the view taken by the Postal authorities in the case of some officers who had committed similar misconduct at Bhadrak. We do not feel it just and expedient to take a view other than the view already taken in the past. Therefore, we direct that the entire money drawn on this account by the applicant be refunded within six weeks from today, with penal interest at the rate of 15 per cent per annum from the date of drawal. In case, the money is not deposited within 6(six) weeks from today, this order shall become automatically ineffective and the proceeding would continue.

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

[Signature]
29.3.89
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Member (Judicial)

B.R. PATEL, VICE-CHAIRMAN,

g agree.



[Signature]
29.3.89
.....
Vice-Chairman

Central Administrative Tribunal,
Cuttack Bench, Cuttack.
March 29, 1989/Saranghi.