

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK.

Original Application No.403 of 1988.

Date of decision : November 8, 1990.

Syed Sakilur Raheman ... Applicant.

Versus

Union of India and others ... Respondents.

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

For the respondents... Mr. Tahali Dalai,  
Addl. Standing Counsel (Central)

C O R A M :

THE HONOURABLE MR. B. R. PATEL, VICE-CHAIRMAN

A N D

THE HONOURABLE 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 was the Extra-Departmental

~~Postmaster~~ Postmaster of Khandagiri Extra-Departmental Sub-Office in the district of Puri. He was proceeded against in a disciplinary proceeding on the charge of having received Rs.200/- on 1.11.1985 for being deposited in the Savings Bank Account of Bijay Kumar Sahoo but this amount of Rs.200/- was not taken into the Sub Office account though he entered the receipt of the amount in the Pass Book, affixed the date seal and also made an entry in

*Memorandum*  
*8/11/90*

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the Sub Office ledger. An enquiry officer was appointed who recorded the evidence and on the conclusion of the enquiry came to a finding that negligence was proved but not lack of integrity. The disciplinary authority i.e. the Senior Superintendent of Post Offices, Bhubaneswar Division (Respondent No.4) disagreed with the findings of the Enquiring Officer and came to the conclusion that the charge levelled against the applicant had been proved. Holding thus, he passed the ~~punishment~~<sup>order</sup> of removal from service. Against this order of removal from service, the applicant has approached this Tribunal.

2. The respondents in their counter have taken a number of grounds but for what we are going to state below it is unnecessary to set out those contentions in the counter in detail in this judgment. It would be sufficient to say that the substance of the counter filed by the respondents is that the applicant deliberately did not show the receipt of Rs.200/- by him from Bijay Kumar Sahu which he made good by making deposit on 23.1.1986.

3. We have heard Mr.A.Deo, learned counsel for the applicant and Mr.Tahali Dalai, learned Additional Standing Counsel (Central) for the respondents. On referring to the impugned order vide Annexure-3 it would be found that no ~~copy~~ copy of the report of enquiry was supplied to the applicant before Respondent No.4 passed the impugned order of removal. On going through Annexure-3 it does not appear that the applicant was really heard by Respondent No.4 after receipt of the enquiry report by him (Respondent No.4) In such circumstances, the decision the Full Bench of the Tribunal

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in the case of Prem Nath K. Sharma v. Union of India reported in 1988 (3) SLJ 449 would apply. We would accordingly quash the order of removal and would observe that if the Department so desires, may proceed afresh from the stage immediately after the receipt of the enquiry report by the disciplinary authority. This would not however be construed as direction by the Tribunal to the Department to proceed with the departmental proceeding.

4. This application is accordingly disposed of.

No costs.

*[Signature]*  
 ..... 8.11.90  
 Vice-Chairman



*[Signature]*  
 ..... 8.11.90  
 Member (Judicial)

Central Administrative Tribunal,  
 Cuttack Bench, Cuttack.  
 November 8, 1990/Saranghi.