

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH : CUTTACK.

Original Application No.46 of 1988.

Date of decision : January 17,1989.

Baikuntha Nath Patra, son of late
Hrushikesh Patra, formerly working as
Extradepartmental Sub Post Master,
Ramachandrapur, Branch Post Office,
Ramachandrapur, Keonjhar. At-Haripur,
P.O.Nuagaon, P.S.Ramachandrapur, Keonjhar.

Applicant.

Versus

1. Union of India, represented through its
Secretary, Ministry of Communications,
Central Secretariat, New Delhi.
2. Superintendent of Post Offices,
Keonjhar Division, At/P.O./District-
Keonjhar.
3. The Sub-Divisional Inspector of
Post Offices, Anandapur Subdivision,
At/P.O.Salapara, District-Keonjhar.

... Respondents.

For the applicant ... M/s.P.Palit, B.Mohanty,
S.K.Mohanty, A.K.Patnaik,
D.P.Dhalsamant, Advocates.

For the respondents ... Mr.A.B.Mishra, Sr.Standing Counsel
(Central)
Mr.Tahali Dalai, Addl. 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)

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1. Whether reporters of local papers may be allowed to
see the judgment ? Yes.
 2. To be referred to the Reporter-s or not ? N^o
 3. Whether Their Lordships wish to see the fair copy
of the judgment ? Yes.
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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 challenges the order passed by the competent authority putting him off from duty contained in Annexure-2 which is also sought to be quashed.

2. Shortly stated, the case of the applicant is that he was appointed as Extra-departmental Branch Postmaster in the Rama-chandrapur Post Office within the district of Keonjhar. Due to upgradation of the said Post Office, the applicant was promoted to the post of Extra-Departmental Sub-Postmaster in the concerned Post Office on 8.6.1979. On 18.1.1988 vide Annexure-2 the applicant was put off from duty by the Superintendent of Post Offices, Keonjhar Division, because of a contemplated proceeding. It is alleged that the applicant has misappropriated Government cash to the extent of ^{about} Rs. 2500/- . Under these circumstances, the applicant has invoked the jurisdiction of this Bench with a prayer to quash Annexure-2.

3. In their counter, the respondents maintained that the applicant was rightly put off from duty because of allegation of misconduct for having misappropriated government cash and therefore, in no circumstance, Annexure-2 should be quashed - on the contrary, it should be sustained till the final disposal of the disciplinary proceeding.

4. We have heard learned counsel for the applicant

and Mr. Tahali Dalai, learned Additional Standing Counsel (Central) at some length. We have also perused the averments in the application under section 19 of the Act and the averments made in the counter and we have also perused the relevant documents relating to this matter. We were told that as yet the disciplinary proceeding has not been initiated namely the chargesheet has not been delivered to the applicant. In view of the allegations levelled against the applicant (we express no opinion in regard to the merits of the application) we do not feel inclined to interfere in this matter. We do not like to quash Annexure-2 containing the order putting the applicant off from duty but at the same time we would direct that in case, the departmental authorities have made up their mind to charge-sheet the applicant, charges should be delivered to the applicant in his residential address namely, village Haripur, P.O. Nuagaon, P.S. Ramachandrapur, District -Keonjhar by registered post with acknowledgment due within 45 (Fortyfive) days from the date of receipt of a copy of this judgment by the Superintendent of Post Offices, Keonjhar Division and within 120 days from the date of delivery of the chargesheet the disciplinary proceeding against the applicant must be disposed of. In case, the applicant does not cooperate for the disposal of the enquiry namely if the applicant remains absent without any reasonable cause, the proceeding may continue ex parte but the Enquiring Officer must specifically record in the ordersheet the reasons for the adjournments if any, sought for by the applicant and the reasons for which such adjournment has been

refused by the Enquiring Officer. However, we would make it clear if the applicant remains absent from the enquiry without reasonable cause, then it should be completed ^{ex parte} at his own risk.

5. Subject to the aforesaid observations and directions, the application is accordingly disposed of leaving the parties to bear their own costs.

kgas
17.1.89.....
 Member (Judicial)

B.R. PATEL, VICE-CHAIRMAN,



kgas
17.1.89.....
 Vice-Chairman

Central Administrative Tribunal,
 Cuttack Bench: Cuttack.
 January 17, 1989/S. Sarangi.