

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK.

ORIGINAL APPLICATION NO. 93 OF 1988.

Decided on 12th July, 1989.

Gobinda Chandra Patra,
at present working as
Telegraph Master,
Central Telegraph Office,
Rourkela, Dist- Sundargarh.

.... Applicant

Versus.

1. Union of India, represented by its Secretary, Department of Communication, New Delhi.
2. General Manager, Telecommunication, At, P.O. Bhubaneswar, District-Puri.
3. Assistant Superintendent, Telegraph Traffic In-charge Central Telegraph Office, Rourkela-769 001, District-Sundargarh.

.... Respondents

For Applicant - M/s. Devananda Misra,
Deepak Misra, R.N.
Naik and A. Deo.

For Respondents- Mr. Tahali Dalai, Additional Standing Counsel (Central)

C O R A M :

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

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.

B.R. PATEL, VICE-CHAIRMAN. In this application under section 19 of the Administrative Tribunals Act, 1985, the applicant has sought the following reliefs :

- a) To pass an order quashing the order passed vide Annexure-1; and
- b) To direct the respondents not to make any entry whatsoever in his Confidential Rolls (C.R. on the basis of Annexure-2.

Annexure-1 is a copy of the letter of the Assistant Superintendent of Telegraphs in charge, Central Telegraph office, Rourkela giving a notice to the applicant to show cause as to why the fact of his having deposited Rs.7/- on the direction of the Central Administrative Tribunal, Cuttack Bench, vide its judgment dated 2.7.1987 passed in T.A. No. 336 of 1986 should not be recorded in his character roll. Annexure-2 is a copy of the order of the Assistant Superintendent (T.T.) I/C, Central Telegraph office, Rourkela dated 19.3.1988 wherein he informed the applicant that the defrauding of

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the late fee of Rs.7/- has been established and the Central Administrative Tribunal, Cuttack Bench, has ordered for recovery of this amount, if not deposited and that this fact would be entered in the Confidential Roll of the applicant for the year 1987-88.

2. The circumstances leading to the present case are that in T.A. No. 336 of 1986 the applicant moved the Central Administrative Tribunal, Cuttack Bench, to quash the departmental proceedings which had been initiated against him on the ground that he had misappropriated an amount of Rs.7/- which he took on account of late fee. This Bench vide its judgment dated 2.7.1987 quashed the departmental proceedings and directed the applicant to deposit the amount of Rs.7/- and further that in case of his failure to deposit the amount, the same will be recovered from his salary by the competent authority. According to the applicant, he has since deposited the amount. The Departmental authorities have decided to make an entry in the character roll of the applicant for the year 1987-88 to the effect that he has defrauded the late fee of Rs.7/- which has been established since this Bench has ordered for deposit of this amount.

3. I have heard Mr. A. Deo, learned counsel for the applicant and Mr. Tahali Dalai, learned Additional Standing Counsel for the Central Government. Mr. Deo

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has averred that since this Bench has quashed the departmental proceedings vide its judgment dated 2.7.1987 there is no ground for the department to make any adverse entry in the character roll of the applicant. This point has been contested by Mr. T. Dalai on the ground that the department is doing nothing more than making a factual entry to which there should be no objection from any quarters. After having heard the learned counsel for both the sides, I have come to the conclusion that there will be no objection if factual entry is made correctly which will help the authorities concerned to have an idea about the performance of the applicant. I would, therefore, direct that a gist of the judgment of this Bench should be entered in the character roll of the applicant for the year 1987-88.

4. The application is accordingly disposed of.

In the circumstances, parties to bear their own costs.



..... *Amulalal* 12.7.89

VICE- CHAIRMAN.

Central Administrative Tribunal,
Cuttack Bench, Cuttack..

The 12th July, 1989/Jena/S.P.A.