

(3)

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH : CUTTACK .

Original Application No. 223 of 1989

Date of decision : 23rd May, 1989

J.L. Debabfata, aged about 29 years,
son of Shri L.Jena, Telegraph Assistant,
Central Telegraph Office,
At/P.O.Bhubaneswar, Dist.Puri.

..... Applicant

-Versus-

1. Union of India, represented by
the Secretary, Department of Telecommunication,
New Delhi.
2. Chief General Manager, Telecommunication,
Orissa Circle, At/P.O.Bhubaneswar
Dist.Puri.
3. Senior Superintendent,
Telegraph Traffic Division,
At/P.O.Bhubaneswar, Dist.Puri.
4. Inquiry Officer-cum-Officer-on-Special Duty
(D.I.) Eastern Region, G.M.T. Office,
Patna, Bihar.

.... Respondents

For the Applicant M/s. Deepak Misra, R.N. Naik
and A. Deo, Advocates

For the Respondents .. Mr. A.B. Misra, Senior 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 ?
3. Whether Their Lordships wish to see the fair
copy of the Judgment ? Yes.

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JUDGMENT

K.P.ACHARYA, MEMBER (J)

In this application under section 19 of the Administrative Tribunal's Act, 1985 the Petitioner prays to quash the chargesheet dated 6th February, 1989 and to quash the appointment of enquiry officer and also to command the Respondents not to treat the proceeding under Rule 14 as a bar for the promotion of the petitioner to the Upper Division Clerk. During the course of argument the petitioner's Counsel did not press the above mentioned prayer except that he pressed the prayer to hold Inquiry anywhere in the State of Orissa.

2. Shortly stated, the case of the Petitioner is that he is a Telecom Assistant now posted at Bhubaneswar. While he was functioning as such at Bhubaneswar Central Telegraph Office, a particular person booked a trunk call to a particular station for which the petitioner charged Rs.142/- instead of Rs.128/-. Allegation against the petitioner is that he has mis-appropriated a sum of Rs.14/- which according to petitioner, he had deposited the amount soon-after he detected his mistake. This relates to merits of the case about which we do not like to express any opinion. After having heard learned Counsel for the petitioner and Mr. A. B. Misra, learned Senior Standing Counsel (Central) we are of opinion that the grievance of the petitioner regarding holding of Inquiry at Patna (Bihar) is not proper. Admittedly, the offence charged has been committed at Bhubaneswar and admittedly the delinquent officer i.e. the petitioner is residing at Bhubaneswar. Therefore, in fairness to call concerned, the Inquiry should be held

at Bhubaneswar. We do hereby quash the order passed by the concerned authority to hold the Inquiry at Patna and we direct that the Inquiry be held at Bhubaneswar and furthermore it is directed that Chief Telecom Manager may appoint another Inquiry Officer of Orissa, if there is any difficulty for the officer to come from Patna. In case the Chief General Manager decides continuance of the Officer of Patna, then enquiry should be held at Bhubaneswar and the inquiry must be completed within 120 days from the date of commencement of the inquiry which should commence within thirty days from date of receipt of a copy of this judgment. The Inquiring officer may hold day to day trials. O.P. No. 4 is directed to act according to the directions given above.

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

Lawyers'
23, 5th 89.
.....
MEMBER (JUDICIAL)

B. R. PATEL, VICE-CHAIRMAN

I agree.

Central Administrative Tribunal
Cuttack Bench, Cuttack
23rd May, 1989/Mohapatra



K. K. Mukherjee 23.5.80
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VICE-CHAIRMAN