

CENTRAL ADMINISTRATIVE TRIBUNAL,  
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO: 244 OF 1989.

Date of decision: August, 30, 1990.

Sonuram Chandrakar ..... Applicant

-Versus-

Union of India and others ..... Respondents.

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For the applicant : M/s Deepak Misra,  
R.N. Naik,  
A. Deo,  
B.S. Tripathy, Advocate.

For the Respondents : Mr. A.K. Misra ,  
Senior Standing Counsel,  
(C.A.T.)

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C O R A M:

THE HON'BLE MR. B.R.PATEL, VICE-CHAIRMAN  
A N D  
THE HON'BLE 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 Lordship's wish to see the fair copy of the Judgment?
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J U D G M E N T

B.R. PATEL, VICE-CHAIRMAN, Briefly stated, the facts are that the applicant who is an Extra Departmental Branch Post Master (E.D.B.P.M.), Beltukuri in the district of Kalahandi was proceeded against in a Departmental proceeding on two charges, namely (i) From 4.2.1986 to 7.2.1986 the applicant issued two money orders and failed to take the amount into Post Office account till 4.3.1986, (ii) He detained four money orders unnecessarily without making any effort for their payment. The Enquiry was entrusted to the Sub-Divisional Inspector (Postal) who submitted his report to the Disciplinary Authority i.e. Respondent No.4 on 7.2.1988. The Enquiry Officer has held both the charges <sup>to</sup> have been proved. A copy of the Enquiry Report is enclosed at Annexure-1 to the application. The Disciplinary Authority i.e. Superintendent of Post Offices, Bolangir Division Respondent No.4 imposed the penalty of removal from service of the applicant as E.D.B.P.M. vide his order dated 26.2.1988. A copy of this order is enclosed at Annexure-2 to the application. The applicant has moved the Tribunal against this order of the Disciplinary Authority praying for <sup>order</sup> quashing ~~the orders~~ <sup>at Annexure 1</sup> ~~at Annexure 1~~ <sup>Annexure 1</sup> the Report of the Enquiry Officer and the order of punishment passed by the Disciplinary Authority (Annexure2).

(6)

2. We have heard Mr. R.N. Naik, learned Counsel for the applicant and Mr. A.K. Misra, learned Senior Standing Counsel (C.A.T) for the Respondents and perused the papers. Both Mr. Naik and Mr. Misra have submitted that the applicant before filing this case had preferred an appeal before the Competent Authority. A copy of the appeal petition is annexed at Annexure-3. As we understood from the contention of both Mr. Naik and Mr. Misra ~~that~~ <sup>in</sup> the appeal is still pending. In our view it would be appropriate for the appellate authority to dispose of the appeal. In order <sup>not</sup> ~~to~~ <sup>MM</sup> prejudice the appellate authority we have not gone into the merit of this case. We hereby direct that the appellate authority should dispose of the appeal within two months from the date of receipt of a copy of this order. The application is accordingly disposed of. Parties bear their own costs.

*M. S. Gupta*  
30.8.90  
.....  
MEMBER (JUDICIAL)



*A. K. Misra*  
30.8.90  
.....  
VICE-CHAIRMAN

Central Administrative Tribunal,  
Cuttack Bench, Cuttack/30.8.90/  
K. Mohanty.