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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No. 333 of 1989.

Date of decision: March 12, 1991.

Pravakar Panda ... Applicant.

Versus

Union of India and others ... Respondents.

For the applicant ... Mr. M. M. Basu, Advocate.

For the respondents ... Mr. Aswini Kumar Misra,
Sr. Standing Counsel (CAT)

C O R A M :

THE HONOURABLE MR. K. J. RAMAN, MEMBER (ADMN.)

A N D

THE HONOURABLE MR. N. SENGUPTA, 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 ? *No*
 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

N. SENGUPTA, MEMBER (J) The applicant herein was working as an Extra-Departmental Branch Post Master of Kakarudrapur Branch Post Office. Against him a disciplinary proceeding under Rule 8 of the P & T Extra-Departmental Agents (Conduct & Service) Rules, 1964 was started. In that disciplinary proceeding, the Respondent No. 3 passed an order of removal from service vide Annexure-16 dated 10.10.1988. The applicant has averred that after the passing of the order of removal from service dated 10.10.1988 he preferred an appeal to Respondent No. 2 but the said appeal had not been

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disposed of by the time he presented this application on 14.8.1989. The applicant has taken various grounds to challenge the order of removal passed by Respondent No.3. The applicant's prayer is for quashing the order of punishment imposed by Respondent No.3 vide Annexure-16.

2. Respondents in their reply in counter to the application have maintained that the appellate authority considered the appeal petition of the applicant and he noticing certain irregularity in the procedure remitted the case back to the disciplinary authority for fresh enquiry and disposal. The respondents have further averred that the applicant cannot possibly have any grievance after the order of remand by the appellate authority and that the applicant's assertion that no order was passed prior to the filing of the application is not correct.


3. Since the applicant and his counsel have remained absent inspite of repeated calls, we have heard Mr. Aswini Kumar Misra, learned Senior Standing Counsel (CAT) for the respondents and perused the relevant papers. Admittedly, the applicant had preferred an appeal and the Director of Postal Services, Sambalpur Region, who eventually heard the appeal preferred by the applicant by his order dated 31.7.1989/9.8.1989 set aside the order of punishment of removal from service imposed by Respondent No.3. In such circumstances infact there was no order of removal existing on the date the application was filed. Therefore, the relief claimed is entirely ^{misconceived} ~~missing~~. The applicant has not, possibly ^{could} ~~cannot~~ have, in view of his allegations, challenged the order of the appellate authority.

Aswini Kumar Misra
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4. The application is accordingly disposed of as being infructuous. There shall be no order as to costs.


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Member (Administrative)




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Member (Judicial)

Central Administrative Tribunal,
Cuttack Bench, Cuttack.
March 12, 1991/Sarangi.