

(9)

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO:3 OF 1989

Date of decision: February, 19, 1991

Purna Chandra Barik : Applicant

Versus

Union of India and others : Respondents

For the applicant : M/s. Devanand Mishra,
Deepak Mishra,
A.Deo, Advocates

For the Respondents : Mr. Tahali Dalai, Addl.
Standing Counsel
(Central)

C O R A M:

THE HON'BLE MR. B.R.PATEL, VICE CHAIRMAN

AND

THE HON'BLE MR. B.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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JUDGMENT

• N.SENGUPTA, MEMBER (J),

The applicant was the Extra Departmental

Branch Post Master (E.D.B.P.M.) of Garadihi Branch Post Office. He was served with a Memorandum of charges dated 29.10.1986 and an enquiry was made. The substance of the memo of charges is that the applicant kept amounts in excess of the prescribed limit and to make a show of justification endorsed in the Branch Office Register fictitious liabilities. An enquiry officer - who after enquiry gave a report - was appointed and the Disciplinary Authority i.e. Sr. Superintendent of Post Offices, Balasore Division by his order dated 18.8.1987 removed the applicant from service. He preferred an appeal to the Postmaster General, Orissa against the order of the Disciplinary Authority but was unsuccessful.

2. Since the case can be disposed of on a short point, it is unnecessary to set out the reply filed by the Respondents.

3. From the copy of the impugned order of the Disciplinary Authority it would be found that before the imposition of the penalty of removal, no copy of the report of the Enquiry Officer had been supplied to the applicant. In such a situation what the result would be has been laid down by the Hon'ble Supreme Court in their decision in the case of

*Mani Devi
19/1*

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Union of India Vs. Mohd Ramzan Khan reported in 1990

(4) Judgments today 456 .. In accordance with the aforesaid decision of the Hon'ble Supreme Court we would quash the order of punishment. The Disciplinary Authority would be at liberty, if he so chooses, to proceed with the Disciplinary proceeding after given the applicant an opportunity to make any representation ^{that} ~~to make~~ he may desire ^{to make} concerning the report of the enquiry officer .

4. This case is accordingly disposed of.

There would be no order as to costs.

..... Brushed 19.2.9
VICE CHAIRMAN

Rea E. ple
..... 19-81
MEMBER (JUDICIAL)

Central Administrative Tribunal
Cuttack Bench/K.Mohanty.

