

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No.517 of 1989

Date of decision: February 18, 1991.

Sreedhar Sahoo

...

Applicant.

Versus

Union of India and others ...

Respondents.

For the applicant ...

M/s. Devanand Misra
Deepak Misra,
R.N. Naik, Advocates.

For the respondents ...

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

C O R A M:

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

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.

J U D G M E N T

N. SENGUPTA, MEMBER (J) The applicant was the Extra-Departmental Branch Post Master of Nari Janga Branch Post Office in the district of Cuttack. A disciplinary proceeding was initiated against him in which there were ^{allegations of} misappropriation of amounts deposited on 12.8.1980, 24.10.1980 and 15.1.1981. He was put off duty. Simultaneously a prosecution for offence punishable under section 409 of the Indian Penal Code was launched. The applicant was acquitted by the order

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of the Sub-Divisional Judicial Magistrate, Jagatsinghpur dated 13.1.1989. The applicant has prayed for quashing the disciplinary proceeding, reinstatement in service and for allowance during the period from the date he was put off duty till reinstatement.

2. The respondents in their counter have maintained that the applicant has since been reinstated after acquittal in the criminal case and that the applicant is not entitled to any allowance during the period he was put off duty.

3. Heard learned counsel for the parties. From Annexure-2 it is found that the disciplinary proceeding against the applicant was ordered to be dropped and reinstatement of his as Extra-Departmental Branch Post Master of Nari Janga was also ordered by the Superintendent of Post Offices, Cuttack South Division. Learned counsel for the applicant says that the applicant was reinstated and joined as Extra-Departmental Branch Post Master, Nari Janga on 6.9.1990 but, however, he urges that the applicant would be entitled to the allowance from the date he was put off duty till 5.9.1990. In this regard, we would like to refer to Rule 9 of the Extra-Departmental Agents (Conduct & Service) Rules. Under that rule an E.D. agent is not entitled to any allowance during the period he was put off duty. From the copy of the judgment of the Sub-Divisional Judicial Magistrate, Jagatsinghpur made Annexure-1 to the application it would be found that the disciplinary proceeding was not wholly baseless. If there was a suspicion which prima facie appeared to be true, though ultimately it was found to be otherwise, the order putting the applicant off duty cannot be found fault with. Accordingly, we would reject the prayer of the applicant.

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so far as it relates to the claim of allowance during the period he was put off duty. The other relief having been granted no specific order need be passed.

4. This application is accordingly disposed of. No costs.

Arshad
.....18.2.91
Vice-Chairman

Nesir
.....18.2.91
Member (Judicial)



Central Administrative Tribunal,
Cuttack Bench, Cuttack.
February 18, 1991/Sarangi.