

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No.86 of 1989.

Date of decision: December 11, 1990.

Narayan Prasad Rout Applicant.

Versus

Union of India and others ... Respondents.

For the applicant ... M/s. Devanand Misra,
Deepak Misra,
R.N.Naik, Anil Deo,
B.S.Tripathy, Advocates.

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

C O R A M :

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

A N D

THE HONOURABLE MR. K. P. ACHARYA, VICE-CHAIRMAN

1. Whether reporters of local papers may be allowed to see the judgment ? Yes.
2. To be referred to the Reporters or not ? JV6,
3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes.

JUDGMENT

K.P.ACHARYA, VICE-CHAIRMAN, In this application under section 19 of the Administrative Tribunals Act, 1985, the applicant prays to quash the charge-sheet submitted against the applicant in connection with a disciplinary proceeding.

2. Shortly stated, the applicant while acting as an Assistant Post Master (Accounts) at Sambalpur has been charge-sheeted in connection with a disciplinary proceeding in which certain allegations have been levelled against the applicant. The proceeding is pending. It is sought to be quashed.

3. In their counter, the respondents maintained that it is too premature on the part of the applicant to rush to the Court asking for quashing of the proceeding. The Department should be given liberty to proceed with the enquiry and the disciplinary authority would give its own finding and therefore, the prayer of the applicant to quash the charge-sheet should be dismissed.

4. We have heard Mr.R.N.Naik, learned counsel for the applicant and Mr.Tahali Dalai, learned Additional Standing Counsel (Central) for the respondents at length. Mr.Naik, vehemently pressed before us that the charge-sheet is dated 12.12.1983 and the allegations contained in the charge-sheet relate to the year 1982-1983. Moreover, the allegations levelled against the applicant are of very minor and trivial nature. Therefore, the proceeding should be quashed. We record the submissions of Mr.Naik for due consideration of the disciplinary authority but we do not propose to interfere with the discretion of the disciplinary authority who will certainly take into consideration these aspects and dispose of the proceeding both on these questions and on the merits of the case. However, without expressing any opinion on the contentions of Mr.Naik we direct that the disciplinary proceeding must be disposed of finally by the disciplinary authority within March 31, 1991 failing which the disciplinary proceeding would be deemed to have been quashed. This is, however, subject to the condition that the applicant cooperates in the enquiry.

5. Thus, this application is accordingly disposed of

leaving the parties to bear their own costs.

Bhushan 11.12.90
Vice-Chairman

K. Sarangi 11.12.90
Vice-Chairman



Central Administrative Tribunal, Cuttack Bench, Cuttack.
December 11, 1990. /Sarangi.