

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No. 136 of 1990.

Date of decision : July 10, 1992.

Braja Kishore Mohanty ... **Applicant.**

Versus

Union of India and others ... Respondents.

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

For the respondents ... Mr. Aswini Kumar Misra,
1 to 3 Sr. Standing Counsel (CAT)

For the respondent No. 4... Mr. D. P. Dhalsamant, Advocate.

GORAM

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

A N D

THE HONOURABLE MR. M. Y. PRITOLKAR, MEMBER (ADMN.)

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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 ?
 3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes.

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JUDGMENT

K.P.ACHARYA, V.C., In this application under section 19 of the Administrative Tribunals Act, 1985, the applicant challenges the selection of Respondent No. 4, Shri Rama Chandra Jena appointed to the post of Extra-Departmental Branch Post Master of Palli Raghunathpur Branch Post Office.

2. We have heard Mr. Deepak Misra, learned counsel for the applicant, Mr. A. K. Misra, learned Senior Standing Counsel (CAT) for the respondents 1 to 3 and Mr. D. P. Dhalsamant learned counsel for the respondent No. 4. The only point urged on behalf of the applicant which appealed to us is involvement of Respondent No. 4 in G.R. Case No. 252 of 1978. In the counter, in paragraph 7 there is no positive denial regarding the allegation that the Respondent No. 4 is involved in the said G.R. Case. In a vague manner it is averred that character and antecedents of Respondent No. 4 was verified and no adverse report was received by the concerned authority. It is directed that the Superintendent of Post Offices, Cuttack North Division would call upon Respondent No. 4 to file certified copies of the First information Report, and latest ordersheet of G.R. Case No. 252 of 1978 and if the Superintendent of Post Offices is satisfied that the offence alleged against the Respondent No. 4 does not involve moral torpitude then he (Respondent No. 4) should be allowed to function. Or in the alternative if the G.R. Case has been disposed of, then Respondent No. 4 should be allowed to continue in the said Post Office. In case the allegation levelled against the Respondent No. 4 involves moral torpitude and the case has not yet been disposed of as yet, then the appointment of Respondent No. 4

should be terminated and a fresh selection should be made according to law. The Superintendent of Post Offices, Cuttack North Division must take necessary steps as indicated above within a month from the date of receipt of a copy of this judgment.

3. This application is accordingly disposed of leaving the parties to bear their own costs.

..... MEMBER (ADMN.)

VICE-CHAIRMAN



Central Administrative Tribunal
Cuttack Bench, Cuttack.
July 10, 1992/Sarangi.