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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK

Original Application No. 28 of 1990

Date of Decision: 10.7.1992

Pitambar Sahoo

Applicant

Versus

Union of India & Others

Respondents

For the applicant

M/s. Devanand Mishra,  
Deepak Mishra,  
A. Deo, B. S. Tripathy,  
Advocates

For the respondents

Mr. A. K. Mishra,  
Sr. Standing Counsel  
(Central Government)

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C O R A M

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

AND

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

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

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JUDGMENT

MR.K.P.ACHARYA, VICE-CHAIRMAN, In this application under Section 19 of the Administrative Tribunals Act, 1985, the petitioner prays to <sup>quantum</sup> ~~for~~ Annexures-4 and 7 by virtue of which the petitioner has been imposed a punishment of stoppage of one increment for a period of one year without cumulative effect. By virtue of Annexure-7, the appellate authority enhanced the quantum penalty to the extent of withholding one increment for a period of three years without cumulative effect.

2. Shortly stated the case of the petitioner is that while he was functioning as a Postal Assistant, in Rajkanika Post Office, he had occupied one room in the post office from 8.6.1986 to 15.10.1988 without any permission from the concerned authority though he was drawing house rent allowances as stipulated in the rules. Later when it was confirmed that one of the rooms of the post office has been occupied by the petitioner, a proceeding was drawn up and the above mentioned punishment was awarded which is under challenge. Simultaneously a sum of Rs.1189/- has been recovered from the petitioner which was drawn by him towards the house rent allowance.

3. We have heard Mr. Deepak Mishra, learned counsel for the petitioner and Mr.A.K.Mishra, learned Standing Counsel for the Central Government.

4. Mr.A.K.Mishra, learned Standing Counsel contended that the petitioner has committed gross misconduct by staying <sup>in</sup> one of the rooms of the post office and simultaneously <sup>had</sup> drawn the house rent allowance, and therefore the punishment should be upheld.

5. After giving our anxious consideration to the arguments advanced at the Bar, we feel that after the house

rent allowance drawn by the petitioner has been recovered and the fact that the petitioner had stayed in the room only for a period of four months, a punishment in the disciplinary proceeding would not be proper and therefore we quash the same and exonerated the petitioner from charges.

6. Thus the application is accordingly disposed of leaving the parties to bear their own costs.

*Thar*  
~~0782~~  
MEMBER (ADMINISTRATIVE)

*K. S. S. B.*  
10/7/92  
VICE-CHAIRMAN

Central Administrative Tribunal  
Cuttack Bench, Cuttack  
dated the 10th July, 1992/BKSahoo