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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK

Original Application No; 440 of 1990

Date of decision: December 19, 1991.

J.P. Srivastava

.... Applicant

Versus

Union of India and others .... Respondents

For the applicant

....

M/s. Devanand Misra,  
Deepak Misra,  
A. Deo, B. S. Tripathy,  
P. Panda, Advocates.

For the Respondents

....

Mr. Ashok Mohanty, Sr  
Standing Counsel (Central)

CORAM:

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? No.
3. Whether His Lordships wish to see the fair copy of the judgment? Yes.

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J U D G M E N T

K.P. ACHARYA, V.C.

In this application under section 19 of the Administrative Tribunals Act, 1985, the Petitioner prays for a direction to the Opposite Parties to pay to the applicant his back wages from 1.11.1984 i.e. the day following order of dismissal from service till re-instatement i.e. on 4th September, 1985.

2. Shortly stated, the case of the Petitioner is that he had to face a Departmental Proceeding while he was functioning as Untrained Graduate Teacher under the Dandakaranya Authority. The Disciplinary Proceeding ended in the dismissal of the Petitioner from service. He came up before this Bench for quashing the order of punishment which formed subject matter of O.A. 127 of 1986. Though the Petitioner's guilt in respect of the charges was confirmed vide Judgment dated 13.11.1987, yet the quantum of penalty was modified to the extent of stoppage of two increments. Therefore, this application has been filed with the aforesaid prayer.

3. In their counter, the Opposite Parties maintain that the case being devoid of merit is liable to be dismissed.

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4. I have heard learned Counsel for the Petitioner and Mr. Ashok Mohanty learned Senior Standing Counsel for the Central Government on merits of this case. The only relief that has been granted to the Petitioner in the said case is in regard to the quantum of penalty. The guilt having been confirmed, in my opinion, the Petitioner is not entitled to back wages. In such circumstances, I find no merit in the prayer for granting back wages to the Petitioner. The case being devoid of merit stands dismissed. There would be no order as to costs.



*K. Mohanty*  
19.12.91  
.....  
VICE CHAIRMAN

Central Administrative Tribunal  
Cuttack Bench, Cuttack./K. Mohanty,  
19.12.1991.