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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH CUTTACK

Original Application No. 149 of 1991

Date of Decision: 12.11.1993

Paresh Chandra Sahu

Applicant(s)

Versus

Union of India & Others

Respondent(s)

(FOR INSTRUCTIONS)

1. Whether it be referred to reporters or not ? *NO*

2. Whether it be circulated to all the Benches of
the Central Administrative Tribunals or not ? *NO*

[Signature]
MEMBER (ADMINISTRATIVE)

12 NOV 93

[Signature] 12/11/93
VICE-CHAIRMAN

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(9)

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Respondents

For the applicant

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

For the respondents

Mr.A.K.Mishra
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.H.RAJENDRA PRASAD, MEMBER (ADMN)

JUDGMENT

MR.K.P.ACHARYA, VICE-CHAIRMAN: 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 petitioner backwages with effect from the date on which the petitioner was put off from duty (4.09.1989) till the date of reinstatement.

2. Shorn of unnecessary details, it would suffice to say that while the petitioner was functioning as Extra Departmental Branch Postmaster, Tejagola Branch Office, he was put off from duty on a contemplated proceeding. Chargesheet was submitted. A fulfilled inquiry was conducted. The petitioner was exonerated

from the...

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from the charges and he was acquitted. The petitioner has since been reinstated in the same post, but payment of backwages is being denied to him. Hence this application has been filed with the aforesaid prayer.

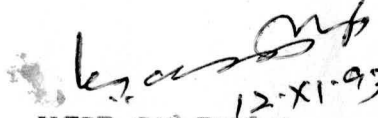
3. In their counter the opposite parties maintain that Rule-9 creates a bar for grant of backwages. Therefore, right the authorities rejected the petitioner's claim for backwages.

4. We have heard Mr.R.N.Naik, learned counsel for the petitioner and Mr.Aswini Kumar Mishra, learned Standing Counsel.

5. At one point of time this Bench was of the view that the person aggrieved or in other words the petitioner is not entitled to backwages because of the bar created under Rule-9. But the Bangalore Bench in a judgment reported in 1987 (7) ATC 833 took the view that the Extra Departmental Branch Postmasters who had been dismissed from service and subsequently the order of dismissal was set aside, and the concerned E.D.B.P.M. was reinstated to service, he is entitled to all backwages from the date on which he was put off from duty. The Madras Bench also followed the same view. In such circumstances, the Cuttack Bench had no other alternative but to follow the view taken by both the Benches namely Bangalore and Madras and accordingly in many judgments passed previously, the Cuttack Bench had directed payment of backwages to the petitioner(s) who were similarly circumstances. The Postal Department had carried some of those judgments in appeal to the Hon'ble Supreme Court and Their Lordships were pleased to dismiss SLP

thereby upholding the view taken by the Cuttack Bench. These view taken in those judgments and the view taken by the Bangalore Bench and Madras Bench apply in full force to the facts of the present case. Therefore, we would direct that backwages be given to the petitioner with effect from the date on which the petitioner was put off from duty, i.e. 4.9.1989 till the date of reinstatement ^{to} in service; less suspension allowance, if any, paid to the petitioner. We hope the payment will be made to the petitioner within 90 days from the date of receipt of a copy of this judgment. Thus the application stands allowed. No costs.


MEMBER (ADMINISTRATIVE)
12 Nov 93


VICE-CHAIRMAN
12.XI.93

Central Administrative Tribunal
Cuttack Bench Cuttack
dated the 12.11.1993/ B.K.Sahoo

