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GA259/92

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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO.406 OF 1991
Cuttack, this the 1st day of November, 1995

Narendra Nath Mohanty Applicant.

-versus-

Union of India and others Respondents

(FOR INSTRUCTIONS)

1. Whether it be referred to the Reporters or not? *no*
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not? *no*

N. Sahu
(N.SAHU)
MEMBER (ADMINISTRATIVE)

D.P. Hiremath
(D.P.HIREMATH)
VICE-CHAIRMAN

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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH: CUTTACK.

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ORIGINAL APPLICATION NO.406 OF 1991
Cuttack, this the 1st day of November, 1995

CORAM:

THE HONOURABLE SHRI JUSTICE D.P.HIREMATH, VICE-CHAIRMAN
AND
THE HONOURABLE SHRI N.SAHU, MEMBER (ADMINISTRATIVE)

...

Narendra Nath Mohanty,
Sorting Assistant (LSG),
HRO 'N' Division,
Cuttack,
C/o HRO, RMS 'N' Division,
Cuttack

...

Applicant

By the Advocates

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M/s Devashis Panda,
G.C.Mohapatra,
& Ms.Dipti Rekha Nanda

-versus-

1. Union of India, represented
through the Director General of
Posts, New Delhi.
2. Post Master General, Orissa Circle,
Bhubaneswar.
3. Senior Superintendent, R.M.S.,
N-Division, Cuttack-753001

... Respondents

By the Advocate

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Mr.Aswini Kr.Misra.

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O R D E R


D.P.HIREMATH, VICE-CHAIRMAN

Heard both the learned counsel.

2. The applicant herein has sought quashing of the charge under Annexure-9 on the ground that the inquiry is being held on the same charge when he is already punished with regard to a charge involving misconduct on 23.1.1989. We have gone through the various Annexures produced in the case and find that there is no merit in the contention that is now advanced on behalf of the applicant. Annexure-7 relates to the charge of the applicant not turning up for duty till 19.00 hours, as a result of which the work was badly dislocated. If he was censured for this particular misconduct, then the same cannot be said to be the subject matter of charge under Annexure-9. Annexure-9 refers to three articles of charge. The first is with regard his leaving the office on 23.1.1989 without permission of the Head Sorting Assistant and returning to the office late. The second article relates to his on 23.1.1989 misbehaviour with Shri Makar Jena, H.S.A. and other Assistants. Article III relates to his misbehaviour on 8.2.1990 with one Shri L.N.Sethi, DSRM, by entering into absurd arguments, etc. It is patently clear

that the charge for which he was censured as per Annexure-7 is totally different from the charge under Annexure-9 on which inquiry is being held. As far back as on 7.11.1991 when this ^{petition} ~~proceeding~~ was admitted, an interim stay was granted directing that the proceeding may continue, but the disciplinary authority shall not pass any final order till disposal of this Application. If the inquiry has not yet been initiated, it is directed that the inquiry shall be completed within 3 (three) months from the date of ^{and stay against passing of final order is vacated, &} this order. With this observation and direction, the Original Application is disposed of.


(N. SAHU)
MEMBER (ADMINISTRATIVE)


(D. P. HIREMATH)
VICE-CHAIRMAN

Nayak, P.S.