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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO. 487 OF 1991

Date of decision: July 9, 1993

Shri Brajabandhu Bagh ... 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 Tribunals, ~~or not?~~ NO


(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)


(K. P. ACHARYA)
VICE-CHAIRMAN

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO: 497 OF 1991

Date of decision: July 9, 1993

Shri Brajabandhu Bag ... Applicant

Verus

Union of India and ors. ... Respondents

For the Applicant : Mr. Pradipta Mohanty, Advocate

For the Respondents : Mr. Aswini Kumar Misra,
Standing Counsel (Central)

C O R A M;

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

THE HONOURABLE MR. H. RAJENDRA PRASAD, MEMBER (ADM.)

JUDGMENT

K. P. ACHARYA, V.C. The Services of the petitioner as Extra-
Departmental Branch Post Master of Khaira Branch
Post Office in account with Bangomunda Sub Post
Office in the District of Bolangir has been
terminated with effect from 14th September, 1991.
Petitioner was appointed on 17th February, 1990.
Reason for termination is that the petitioner had
not disclosed in his application the fact that

he was involved with a criminal case under section 366 IPC and he was acquitted. Hence the order of termination has been passed in favour of the petitioner under Rule 6 and in addition to the same, it is alleged that the income certificate was not given on the date on which the application was filed but it was given on a later date. Hence this application has been filed with the prayer to quash the order of termination.

2. In their counter, the opposite parties maintained that due to aforesaid lacunas on the part of the petitioner, rightly the services of the petitioner has been terminated which should not be unsettled - rather it should be sustained.

3. We have heard Mr. Pradipta Mohanty learned counsel appearing for the petitioner and Mr. Aswini Kumar Misra learned Standing Counsel (Central). So far as the inability on the part of the petitioner in not ~~to have declared~~ ^{declaring} the fact that he was acquitted ^{by} in a criminal case under section 366 of the Indian Penal Code, we find no fault on the part of the petitioner. Since there was a clean acquittal in favour of the petitioner, no ~~lacuna~~ ^{defect} existed against the petitioner and therefore, he has not disclosed this fact while applying for the post of EDBPM. We do not consider this ^{to be} ~~is~~ one of the justifiable reason to terminate the services of the petitioner.

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4. So far as the next point relating to non-submission of the properties certificate on the date on which the application was filed, we do not find any illegality to have been committed by the petitioner because subsequently his action has been ratified by the departmental authorities in accepting such certificate and having issued the order of appointment in his favour. In case this was one of the great defects in the application it should not have been entertained. Right at the initial stage it should have been rejected. Not having rejected the application at the initial stage and having entertained the same and having accepted the certificate at a later date and having considered the suitability of the petitioner and adjudicating the same in his favour and having appointed him ~~to~~ the post in question, we are of opinion that the order of termination is illegal and is liable to be set aside. We, therefore, do hereby set aside the order of termination and direct for reinstatement of the petitioner within 15 days from the date of receipt of a copy of the judgment. The petitioner shall not be entitled to any backw ages.

5. Thus, the application is accordingly

disposed of. There would be no order as to costs.

H. S. Mohanty
MEMBER (ADMINISTRATIVE)

9-7-93
VICE CHAIRMAN

Central Administrative Tribunal,
Cuttack Bench, Cuttack/K: Mohanty/
9.7.93.

