

3
CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No.40 of 1991.

Date of decision: February 26, 1991.

Akhila Kumar Samal ... Applicant.

Versus

Union of India and others ... Respondents.

For the applicant ... M/s.R.N.Mohanty-2,
K.P.Mohanty,
K.C.Satpathy, Advocates.

For the respondents... Mr.Aswini Kumar Misra,
Sr.Standing Counsel (CAT)

C O R A M:

THE HONOURABLE B.R.PATEL, VICE-CHAIRMAN

A N D

THE HONOURABLE MR.N.SENGUPTA, MEMBER (JUDICIAL)

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 Their Lordships wish to see the fair copy of the judgment ? Yes.

J U D G M E N T

N.SENGUPTA, MEMBER (J), As the matter is comparatively simple, while admitting the case with the consent of Mr.Mohanty, learned counsel for the applicant and Mr.Aswini Kumar Misra, learned Senior Standing Counsel (CAT) for the respondents we heard the case in regard to the merit of the case.

2. Briefly stated, the facts are that the applicant was Extra-Departmental Delivery Agent of Balia-Bibhutipada Post Office in the district of Cuttack. He was put off duty by the Postal Inspector, Salipur on 24.3.1990. The order

putting the applicant off duty was later confirmed by the Senior Superintendent of Post Offices, 'North' Division, (Respondent No.2). The allegation of the applicant is that till today no proceeding has commenced. He has therefore, prayed that this Tribunal may give a direction to the respondents to commence the enquiry and complete it within a period of 45 days.

2. Mr. Mohanty has strenuously urged that to keep the applicant under suspension for a long period is definitely a harassment and unless the matter is finalised expeditiously considerable prejudice will be caused to him. Mr. Misra on the other hand, has submitted that 45 days is too short a period to initiate a proceeding, enquire into the charges and pass the final orders. He has therefore, prayed for a longer period to enable the respondents to finalise the proceedings. After having heard counsel for both sides we have come to the conclusion that no further time should be wasted for initiating the proceeding and we direct that the proceeding, if at all to be initiated, should be finalised within a period of 60 days from the date of receipt of a copy of this judgment. Mr. Mohanty has very strenuously urged that the applicant should be allowed to continue in service as an interim measure. This is beyond the powers of the Tribunal because in that eventuality it will amount to ^{usurping the} ~~allowing the~~ ^{function of the} ~~administration~~ ^{of the} ~~applicant~~. We are not inclined to accept the submission of Mr. Mohanty since we have already come to the conclusion that the disciplinary proceeding, if any, should be started and finalised. If there is no proceeding we hope the Department will issue appropriate orders reinstating the applicant into service.

Recd. Secy

4. This application is accordingly disposed of.
No costs.

[Signature]
.....
Vice-Chairman



[Signature]
.....
Member (Judicial)

Central Administrative Tribunal
Cuttack Bench, Cuttack.
February 26, 1991/Sarangi: