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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH; CUTTACK.

Original Application No. 202 of 1992.

Cuttack this the 19th day of August, 1998.

Benudhar Nayak. ... Applicant.

-Versus-

Union of India & Others. ... Respondents.

(For instructions)

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

(G.NARASIMHAM)
MEMBER(JUDICIAL)

(SOMNATH SOM)
VICE-CHAIRMAN

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No. 202 of 1992.

Cuttack this the 19th day of August, 1993.

C O R A M:-

THE HONOURABLE MR. SOMNATH SOM, VICE-CHAIRMAN
AND
THE HONOURABLE MR. G. NARASIMHAM, MEMBER (JUDICIAL).

....

IN THE MATTER OF:

Benudhar Nayak, S/o. Gagan Behari Nayak,
Extra Departmental Sub Postmaster,
In Adaspur E.D.S.O, At/Po. Adaspur,
Dist. Cuttack.

... APPLICANT.

By legal practitioner :- M/s. D. NAYAK, S. Swain, D.P. Dhal,
A. Ahad, Advocates.

- Versus -

- 1) Senior Superintendent,
Post and Telegraph Department,
Cuttack West Circle, Cuttack.
- 2) Chief Postmaster General,
Orissa, Bhubaneswar, Office of CPMG,
Bhubaneswar.
- 3) Rajkishore Mohapatra,
Sub Postmaster, Adaspur,
At/Po. Adaspur, Dist. Cuttack.
- 4) Union of India represented by its
Secretary, Department of Posts, Dak Bhawan,
New Delhi.

... RESPONDENTS.

By legal practitioner : Mr. Ashok Mishra, Senior Counsel
(Central).

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O R D E RMR. SOMNATH SOM, VICE-CHAIRMAN:-

In this Original Application, under section 19 of the Administrative Tribunals Act, 1985, the petitioner has prayed for a direction to the Respondents for his reinstatement in his original post with all backwages and benefits from the date of his put off duty till date. He has also asked for arrear salary with all backwages and all other benefits within a time to be fixed by this Tribunal.

2. The facts of the case, according to the petitioner is that, in the year 1984, he was appointed as Extra-Departmental Sub Post Master of Adampur Sub Post Office, vide appointment letter dated 16.6.1984 at Annexure 1. While he was working as such, a Criminal case under section 409 IPC was started against him in CR Case No. 3107/84. He was arrested by the Police from ^{the} office itself and was forwarded to Jail Custody. Accordingly, in order dated 7.12.1984 he was put off duty. The applicant further states that charges

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were framed against him under section 409 IPC but at the conclusion of the trial, he was acquitted vide judgment dated 21.6.1991 at Annexure-3. Applicant's case is that after his acquittal, he made several representations to the Opposite Party No.1 praying for his re-instatement in earlier service. He also produced a copy of the judgment but no consideration was shown to his prayer. It is further submitted by him that one Shri Rajkishore Mohapatra, was appointed in the meantime as Sub Post Master of Adaspur Sub Post Office and who is working in that post. As the Respondents have not considered his prayer, the petitioner has come up in this Original Application with the prayers referred to earlier.

3. Respondents in their counter have submitted that the applicant while working as Extra-Departmental Sub Postmaster, of Adaspur Sub Post Office absconded from his Office on 1.12.1984 and the office remained closed. Ultimately, the Post Office was got opened on 3.12.1984 in the presence of the Local Sarapanch and a Homeopathic Doctor after obtaining the key of the office from the father of the applicant. On verification of the cash and

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stamp balances a sum of Rs. 3,732.33paise was found missing. The case was reported to the Police on 3.12.1984 and 4.12.1984. A case No.195/84 was registered on 4.12.84 in Govindapur Police Station and the applicant was arrested on 5.12.1984. He was kept under put off duty with effect from 1.12.1984. Charge-sheet was filed by the Police on 25.4.1987 and the case was transferred to the Court of learned Chief Judicial Magistrate, Cuttack on 6.11.1987. Respondents have further stated that on receipt of judgment copy, Departmental proceeding has been initiated against the applicant and is pending finalisation for which he has not been reinstated. It is submitted by the Respondents that the representation not allegedly sent by the applicant has been received in the Office of the Senior Superintendent of Post Offices, Cuttack City Division. On the above grounds, the Respondents have opposed the prayer of the applicant.

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4. We have heard Shri Ashok Mishra, learned Senior Standing Counsel appearing for the Departmental

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Neither the Respondents. / Learned Counsel for the Applicant is present nor any request has been made on his behalf for an adjournment. From the perusal of the pleadings and hearing the submissions made by the learned Senior Counsel Mr. Mishra, appearing for the Respondents, it is found that after acquittal of the petitioner in the criminal case, the Departmental Authorities have initiated Departmental Proceeding against him which according to the petitioner is still pending. In view of this, there is no case for reinstatement of the petitioner to his previous post. This prayer, is therefore, held to be without any merit and is rejected.

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The prayer for getting arrear dues is also held to be without any merit. From the counter it appears that after his acquittal in order dated 21.6.91, Departmental Authorities have initiated proceeding against him in the year 1992. Even though six years have passed, there is nothing on record, if in the meantime, the Departmental proceeding has been concluded and if so with what result. In consideration of this, while we reject this application

on the ground that we held that the petitioner has not been able to make out any case for the relief claimed by him, we direct the respondents that in case the proceeding initiated against the applicant has not been completed so far, then the same should be completed within a period of four months from the date of receipt of a copy of this order.

5. With the above directions, the Original Application is disposed of. There shall be no order as to costs.

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(G. NARASIMHAM)
MEMBER (JUDICIAL)

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN
919.8.98

KNM/CM.