

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK

Original Application No. 215 of 1992

Date of Decision: 17.7.1992

John Parichha      Applicant

## Versus

Union of India & Others Respondents

For the applicant

M/s. Deepak Mishra  
R.N.Naik,  
A.Deo &  
B.S.Tripathy,  
Advocates

### For the respondents

Mr.A.K.Mishra,  
Standing Counsel  
(Central Government)

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C O A R M

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

AND

THE HONOURABLE MR. M. Y. PRITOLKAR, MEMBER (ADMN)

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1. Whether the reporters of local newspapers may be allowed to see the judgment ? Yes
2. To be referred to reporters or not ? No
3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes

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7

JUDGMENT

MR .K.P.ACHARYA, VICE-CHAIRMAN,

We have heard learned counsel for the petitioner Mr.A.Deo and Mr.A.K.Mishra, learned Standing Counsel on the question of admission. When this matter came before us for admission on 15.7.1992, we had expressed a surprise as to why the disciplinary proceeding has not been initiated as yet against the petitioner and he has been allowed to remain on put off from duty for such a long period. We are, therefore, called upon the Senior Superintendent of Post Offices of Berhampur, Ganjam Division, to come with the relevant file to convince us as to the reason for which the petitioner has been kept for such a long period under suspension. Mr.D.Sethi, Senior Superintendent of Post Offices is personally present to-day with the relevant file. Mr.Sethi makes a statement to that the petitioner had never been suspended and the statement made by the petitioner in his application that no suspension order has been communicated to him, yet in the file, <sup>he</sup> has been placed under suspension. <sup>is incorrect.</sup> After perusal of the file and after having heard learned counsel for the petitioner Mr. A. Deo, and Mr.A.K.Mishra, learned Standing Counsel, we are of opinion that this is absolutely a false statement made by the petitioner. For some reasons or <sup>the</sup> other he had remained absent from duty and in our opinion he now takes <sup>the</sup> course to somehow get into the job again. Equity helps those who come to Court in a clean hand. The petitioner has tarnished <sup>his hands</sup> the black brush. We therefore find no merit in this application for admission and hence dismissed.

2. Mr.A.Deo, learned counsel for the petitioner submitted

6  
 that the petitioner intends to make a representation to the Senior Superintendent of Post Offices for reconsidering the case of the petitioner. We have no objection. It is for the Senior Superintendent of Post Offices to pass orders as he deems fit and proper. We do not like to fetter his discretion in the matter.

3. Thus the application is accordingly disposed of.  
 No costs.

*h.l.*  
 MEMBER (ADMINISTRATIVE)

*h.l. 17/7/92*  
 VICE-CHAIRMAN

Central Administrative Tribunal  
 Cuttack-Bench, Cuttack  
 dated the 17th July, 1929 EKSahoo

