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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK

Original Application No.431 of 1992

Date of Decision: 19.1.1993

Jatindranath Mohapatra                      Applicant

Versus

Union of India & others                      Respondents

For the applicant

M/s. P.V. Ramdas,  
B.K. Panda,  
Advocates

For the respondents

Mr. Ashok Mishra,  
Standing Counsel  
(Central Government)

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C O R A M:

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

AND

THE HONOURABLE MR. S. R. ADIGE, MEMBER (ADMINISTRATIVE)

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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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JUDGMENT

MR. S. R. ADIGE, MEMBER (ADMN.) The petitioner was serving in the Rajnilgiri Sub Post Office as E.D.Packer. He was appointed in the year 1954. A criminal case under Section 302/149 I.P.C. had <sup>been</sup> registered against the petitioner and some others forming subject matter of Sessions Trial No. 4/19 of 1986. The petitioner was convicted on 5.9.1986 and was sentenced <sup>to</sup> rigorous imprisonment for life. The matter was carried <sup>in</sup> with an ~~original~~ appeal <sup>to</sup> before the Hon'ble High Court which formed <sup>the</sup> subject matter of Criminal <sup>appeal</sup> No.162 of 1986. By its judgment dated 20.11.1991, Hon'ble High Court acquitted the petitioner and on his application dated 1.2.1992, the concerned authority ordered his reinstatement on 3.3.1992. Hence this application has been filed with a prayer to pay all backwages to the petitioner from the date of disengagement from active service till the date of his reinstatement.

Mr. Sahu -  
Pl. take another  
dictation

2. In their counter the opposite parties maintain that Rule-9 is a bar for payment of back wages and therefore rightly the authority refused to make payment of backwages. The case being devoid of merit is liable to be dismissed.

3. We have heard Mr.P.V.Ramdas, learned counsel for the petitioner and Mr.Ashok Mishra, learned Standing Counsel appearing for the opposite parties.

4. It is worthwhile to mention that Cuttack Bench initially refused to give any directions entitling ~~such~~ postal employees to backwages, but subsequently some coordinated Benches of the Central Administrative Tribunal were of opinion that Rule-9 does not stand as a bar for giving backwages to the persons similarly circumstances either resulting from a Criminal

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case or a disciplinary proceedings. Therefore the Cuttack Bench followed those judgments and accordingly passed decree in favour of the persons aggrieved who had approached the Cuttack Bench for appropriate directions. After the Cuttack Bench gave directions to the postal authorities to make payment of backwages to those petitioners, the Union of India has carried those matters to the Hon'ble Supreme Court and vide its order passed by the Hon'ble Supreme Court in S.L.P. No.                      dated                      operations of those judgments has been stayed. In view of the stay order passed by the Hon'ble Supreme Court, it would not be just and proper on our part to issue any further directions. But at the same time we would not like to keep this case pending. We would direct that the postal authority may await the decision of the Hon'ble Supreme Court. Every son of the soil of India is bound by the verdict of the Hon'ble Supreme Court. In case the Supreme Court holds that postal employees similarly circumstanced<sup>ed</sup> are entitled to backwages, undoubtedly the petitioner is entitled to receive such benefits and the petitioner is at liberty to file an application to the competent authority to grant him backwages, and the competent authority would act according to the dictum laid down by Their Lordships of the Supreme Court. In case the Supreme Court holds that postal employees similarly circumstanced are not entitled to backwages, undoubtedly the present petitioner will never be entitled to any backwages. Therefore the competent authority is directed to act according to the judgment of the Hon'ble Supreme Court which is expected to come up very shortly thereafter. Thus the application is accordingly disposed of. No cost.

*B.K. Sahoo*  
VICE-CHAIRMAN

19-1-93

*B.K. Sahoo* 19.1.93  
MEMBER (ADMINISTRATIVE)

Central Administrative Tribunal  
Cuttack Bench, Cuttack  
dated the 19.1.1993/ B.K.Sahoo

