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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION No.437 OF 1992
Cuttack this the 23rd day of March, 1999

Banamali Jena

Applicant(s)

-Versus-

Union of India & Others

Respondent(s)

(FOR INSTRUCTIONS)

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

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN
23.3.99

23-3-99
(G.NARASIMHAM)
MEMBER(JUDICIAL)

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CORAM:

THE HON'BLE SHRI G.NARASIMHAM, MEMBER (JUDICIAL)

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Banamali Jena, aged about years,
Son of Late Banchhanidhi Jena,
At/Po: Radhanga, Via: Malibara,
District: Cuttack

...

Applicant

By the Advocates : M/s.Devanand Mishra
R.N.Naik,
A.Deo,
B.S.Tripathy,
P.Panda

-Versus-

1. Union of India represented by its Secretary, Department of Posts, Dak Bhawan, New Delhi
2. Chief Post Master General, Orissa Circle, At/Po:Bhubaneswar, Dist: Puri
3. Director, Postal Services At/Po:Bhubaneswar, Dist: Puri
4. Senior Superintendent of Post Offices, Cuttack South Division, At/Po/Dist:Cuttack

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Respondents

By the Advocates : Mr.Ashok Mishra

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ORDERORDER

MR.G.NARASIMHAM, MEMBER(J): Applicant, an E.D.Agent, challenges the order dated 13.6.1991(Annexure-2) of his removal passed by the disciplinary authority (Res.4) and order dated 20.2.1992(Annexure-3) by the appellate authority(Res.3) confirming the order of removal.

Earlier this Tribunal in O.A.235/90 challenging on the order of removal passed^{on} 3.7.1985, by its judgment dated 14.3.1991 quashed the impugned order of removal and directed the disciplinary authority to supply copy of the ^{for} inquiry report to the applicant and/giving an opportunity to make his submission and then complete the proceeding. After compliance of this direction the impugned orders have been passed.

2. The applicant avers that impugned orders are illegal and against weight of materials available on record. After the earlier order of removal was quashed by the Tribunal, the disciplinary authority could not have proceeded with the proceeding without reinstating the applicant.

3. The respondents take the stand that the proceeding has been initiated on the ground that the applicant had forged signatures of payee and witness on a money order for Rs.250/- received at the Branch Post Office on 21.5.1984 and showed the money order as paid on 25.5.1984. During preliminary inquiry the applicant admitted this fact and so also in the written statement in response to the charge (Annexure-R/2). The fact of such admission was even admitted by the applicant in the

application itself, but had taken the plea that he had admitted so on the assurance that no action would be taken against him.

4. We have heard submissions of learned counsel for both sides and also perused the record.

5. There is clear admission of the forgery and misappropriation of the amount by the applicant. We are not sitting here in appeal to consider the plea of the applicant that he made such admission on the assurance that no action would be taken against him. We have not come across any such procedural lapse violating the principles of natural justice in conducting the proceeding. There is no force in the contention of the applicant that he should have been reinstated after this Tribunal quashed the earlier order of removal, because, quashing of the order of removal takes back the applicant to the position and status he was enjoying prior to the passing of that order of removal; which would mean that ~~order of removal~~ would necessarily imply that he was not removed/discharged/dismissed Branch Post Master. Hence question of reinstatement is redundant.

In the result we do not see any merit in this application which is accordingly dismissed, but without any order as to costs.

Somnath Som
(SOMNATH SOM)
23.3.99
VICE-CHAIRMAN

B.K.SAHOO

233-95
(G.NARASIMHAM)
MEMBER(JUDICIAL)