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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK

Original Application No. 245 of 1993

Date of decision: 28th May, 1993

Shri Bishnu Prasad Behera ... Applicant

Versus

Union of India and others ... Respondents

For the Applicant ... Mr. A. Kanungo, Advocate

For the Respondents ... Mr. Ashok Misra,  
Senior Standing  
Counsel (Central).

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C O R A M:

THE HONOURABLE MR. K. P. ACHARYA, VICE -CHAIRMAN  
A N D

THE HONOURABLE MR. H. REJENDRA PRASAD, MEMBER (ADMN.)

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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.

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J U D G M E N TK.P.ACHARYA, V.C.

In this application under section 19 of the Administrative Tribunals Act, 1985, the petitioner prays to **quash the** order contained in Annexures 2 and 3 declaring the same illegal, arbitrary and untenable in the eye of law and direction be given to Opposite Parties to reinstate the petitioner.

2. Shortly stated the case of the petitioner is that he was put off from duty on a contemplated proceeding vide Annexure 2 dated 31st December, 1992 and vide Annexure 3 dated 4th January, 1993. The ~~Senior~~ Superintendent of Post Offices, Cuttack South Division had confirmed the order passed by the Inspector of Posts Offices putting the petitioner off from duty. Hence this application has been filed with the aforesaid prayer.

3. This case came up for admission and hearing today. Mr. Kanungo learned counsel had appeared for the petitioner and Mr. Ashok Misra learned Senior Standing Counsel (Central) had appeared for the Opposite Parties. Mr. Sathy the Superintendent of Post Offices, Cuttack South Division is present in Court to assist the Bench.

4. We have heard Mr. Kanungo learned counsel for the petitioner, and Mr. Ashok Misra learned Senior Standing Counsel (Central) for the Opposite Parties


and we have also heard Mr. Sethy the Superintendent of Post Offices, present in court. It was told to us by Shri Sethy that the charges framed against the Petitioner has been despatched to the Petitioner in his home address on 27th May, 1993 and very shortly after receipt of the explanation to be submitted by the Petitioner, the disciplinary proceeding will commence. If the explanation of the Petitioner does not appear to be satisfactory, <sup>otherwise</sup> then the petitioner is not bound to be exonerated.

In such a situation, we do not like to interfere and quash Annexures 2 & 3. They are sustained.

The matter should be finally disposed of expeditiously of course after compliance with the requirement of law.

5. Thus, the application is accordingly disposed of. No costs.

  
MEMBER (ADMINISTRATIVE)

  
VICE-CHAIRMAN

Central Administrative Tribunal,  
Cuttack Bench, Cuttack, K. Mohanty  
28.5.1993.

