

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH CUTTACK

Original Application No. 400 of 1993

Date of Decision P 2.8.1993

Harihar Behera Applicant(s)

VERSUS

Union of India & Others Respondent(s)

(FOR INSTRUCTIONS)

1. Whether it be referred to reporters or not ? N.
2. Whether it be circulated to all the Benches of N. the Central Administrative Tribunals or not ?

MEMBER (ADMINISTRATIVE)
03 Aug 93

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VERSUS

Union of India & Others Respondents

For the applicant M/s. Devanand Mishra
Deepak Mishra
B.S.Tripathy,
A.Deo,, P.Panda
D.K.Sahu
Advocates

For the respondents Mr.Ashok Mishra
Sr.Standing Counsel
(Central Government)

CORAM:

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

JUDGMENT

MR. H. RAJENDRA PRASAD, MEMBER (ADMN) This case arises out of the alleged delay in finalising the disciplinary proceeding against Shri Harihar Behera, formerly E.D.B.P.M., Korua Branch Post Office, Balasore Division by Superintendent of Post Offices, Bhadrak.

2. The facts of the case are that the petitioner was proceeded against on four articles of charges, of which three were eventually proved in course of the enquiry. Based on the findings of the Enquiry Officer, the Superintendent of Post Offices removed the petitioner from service on 23.8.1991. On appeal to the Director of Postal Services, the latter, on an assessment of the facts of the case and the details of the enquiry, remitted the case back to the Superintendent of Post

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Offices on 27.12.1991. There has been no progress thereafter.

3. I do not propose to go into the merits of the evidence or the validity or otherwise of the enquiry proceedings at ~~this~~ this stage, although Shri B.S.Tripathy, learned counsel for the petitioner, prayed for the same.

I am, nevertheless, conscious of the inordinate delay that has taken place in the finalisation of the de *no vo* enquiry proceedings.

4. It is directed that the case of the petitioner may be finalised and a final order be passed by the Superintendent of Post Offices on or before 30th September, 1993, provided that the petitioner cooperates with the enquiry at ~~the~~ stages. The Superintendent of Post Offices may inform the Registrar of this Bench by 4th October, 1993, as regards the final orders passed by him, or the stage at which the enquiry stands, together with detailed reasons for non-finalisation as on that date.

5. The case is barred by limitation since the impugned order of the Director of Postal Services was issued as long back as 27.12.1991. However, taking all the aspects of the case, and also the apparent ~~and~~ unconscionable delay that has taken place in the finalisation of this case, I hereby condone the limitation point. The application is accordingly disposed.

6. This order is passed after hearing Mr.B.S.Tripathy, learned counsel for the petitioner and Mr.Ashok Mishra, learned Sr.Standing Counsel for the respondents. No interim orders.


MEMBER (ADMINISTRATIVE)

02 Aug 93

Central Administrative Tribunal
Cuttack Bench Cuttack
dated the 2.8.1993/ B.K. Sahoo