

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH CUTTACK

Original Application No. 486 of 1993

Date of Decision: 14.9.1993

Hatakishore Naik

**Applicant(s)**

## Versus

Union of India & Others

**Respondent(s)**

(FOR INSTRUCTIONS)

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

**MEMBER (ADMINISTRATIVE)**

14 SEP 93

### VICE-CHAIRMAN

Ken 11-9-93

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH : CUTTACK**

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### Respondents

For the applicant

M/s. Deepak Misra  
A. Deo  
B.S. Tripathy  
P. Panda,  
D.K. Sahu,  
Advocates

### For the respondents

Mr. Ashok Mishra  
Standing Counsel  
(Central Government)

C O R A M:

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

AND

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

### JUDGMENT

MR. K. P. ACHARYA, VICE-CHAIRMAN: This case came up for admission to-day. In view of the facts constituting the case, we did not like to keep this matter unnecessarily pending, and therefore, with the consent given by the counsel for both sides, we have heard this case on merits in order to finally dispose of this case.

2. Petitioner Shri Hatakishore Naik while functioning as Extra Departmental Delivery Agent of Durgapur Branch Post Office in the district of Angul was put off from duty with effect from 20.4.1993. As yet neither charge sheet has been filed nor the proceeding has commenced.

3. After hearing learned counsel for the petitioner

Mr. B. S. Tripathy, and Mr. Ashok Mishra, learned Standing Counsel we would direct the Senior Superintendent of Post Offices, Dhenkanal Division (OP No.3) to take expeditious steps in the matter. In case the Superintendent of Post Offices is of opinion that a *prima facie* case has been made out against the petitioner, then, he should submit the chargesheet within 30 days from the date of receipt of a copy of this judgment; and in case the Superintendent of Post Offices is of opinion that there is no misconduct on the part of the petitioner, then a final report should be submitted within the aforesaid period recalling the order putting the petitioner off from duty. Within 120 days therefrom, viz. from the date of delivery of chargesheet to the petitioner, if any, the proceeding must be disposed of, even by holding day to day trial. In case the petitioner takes any adjournment, the period occupied by such adjournment shall be added to the said 120 days.

4. It was submitted by Mr. Tripathy that the Superintendent has not confirmed the order of suspension passed by the S.D.I(P) and hence the order of suspension should be quashed. We are not in a position to ascertain the correctness of otherwise of this <sup>statement</sup> ~~matter~~. In case the Superintendent has not confirmed the order of suspension, within 15 days therefrom, the order of suspension is deemed to have been quashed, otherwise it will continue till the final disposal of this proceeding. Thus the application is accordingly disposed of. No costs.



MEMBER (ADMINISTRATIVE)

14 SEP 93

Central Administrative Tribunal  
Cuttack Bench Cuttack  
dated the 14.9.1993/B.K.Sahoo

VICE-CHAIRMAN

*K. S. A. 14.9.93*