

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No.644 of 1993.

Date of decision : November 24, 1993.

Baikuntha Nath Bhoi ...

Applicant.

Versus

Union of India and others ...

Respondents.

(FOR INSTRUCTIONS)

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

(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)

24 NOV 93

(K. P. ACHARYA)
VICE-CHAIRMAN.

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Versus

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Respondents.

For the applicants...

Miss. S. L. Patnaik,
Mr. D. K. Patnaik, Advocates.

For the respondents ...

Mr. Ashok Misra,
Sr. Standing Counsel (Central)

C O R A M:

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

A N D

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

JUDGMENT

K. P. ACHARYA, V.C., In this application under section 19 of the Administrative Tribunals Act, 1985, the applicant prays to quash the orders contained in Annexures-1, 4 and 6 and in the alternative to allow the applicant to continue in service till finalisation of the departmental proceeding and furthermore, direction be given to the respondents to pay subsistence allowance to the applicant.

2. Shortly stated, the case of the applicant is that while he was working as an Extra-Departmental Branch Post Master in Jhajhia Branch Post Office within Badambagarh Sub Post Office (Athgarh Head Office), vide Annexure-1 dated 3.5.1993, was placed under suspension on a contemplated proceeding. Vide Annexure-4 a departmental proceeding has been initiated against the applicant on an allegation of

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of defalcation of Government money over which the applicant is said to have gained control and custody. In such circumstances, this application has been filed with the aforesaid prayer..

3. We do not like to keep this matter unnecessarily pending. Therefore, with the consent given by counsel appearing for both sides we have heard this case on merits so that the departmental proceeding could be expedited.

4. We have heard Miss.S.L.Patnaik, learned counsel for the applicant and Mr.Ashok Mishra, learned Senior Standing Counsel(Central) appearing for the respondents. There is no necessity for us to dwell upon unnecessary details. After hearing arguments from counsel for both sides it is directed that the applicant shall file his written statement of defence by 23.12.1993 and thereafter the disciplinary authority would proceed to take further steps according to law and the proceeding must be finalised within 90 days from the date of filing of the written statement of defence.

5. We do not like to pass any orders to arrest the progress of selection, if any, undertaken by the competent authority. The selection process may proceed and in case anybody is appointed, his/her appointment would be subject to the result of the departmental proceeding and the appointee be specifically informed.

6. In the order contained in Annexure-1 it is stated that the applicant shall not be entitled to

any allowance . Needless to dilate over the details in regard to this matter. It would suffice to say that in the past, the Bangalore Bench, Madras Bench and this Bench have held that the delinquent officer is entitled to back wages. Therefore, following the view already taken by this Bench in the past, we would direct that subsistence allowance be paid to the applicant with effect from the date on which the applicant was placed under put off duty till the final orders are passed in the disciplinary proceeding.

7. Thus, this application is accordingly disposed of leaving the parties to bear their own costs.

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H. S. J. H.
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MEMBER (ADMN)

24 Nov 93

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L. S. S.
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24.11.93

VICE-CHAIRMAN

Central Administrative Tribunal,
Cuttack Bench, Cuttack.
November 24, 1993/Sarangi.