

3 -2- 4  
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH CUTTACK

Original Application No. 146 of 1994

Date of Decision: 23.3.1994

Maheswar Jema

Applicant(s)

Versus

Union of India & Others Respondent(s)

(FOR INSTRUCTIONS)

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

by 23.3.94  
VICE-CHAIRMAN

-3-

5

4

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH CUTTACK

Original Application No.146 of 1994

Date of Decision: 23.3.1994

Maheswar Jena

Applicant

Versus

Union of India & Others

Respondents

For the applicant

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

For the respondents

Mr. U. B. Mohapatra,  
Addl. Standing Counsel  
(Central)

C O R A M:

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

JUDGMENT

MR. K. P. ACHARYA, VICE-CHAIRMAN: In this application under Section 19 of the Administrative Tribunals Act, 1985, the petitioner, Shri Maheswar Jena prays to quash the order contained in Annexure-1 putting the petitioner off from duty.

2. Shortly stated the case of the petitioner is that while functioning as Extra Departmental Branch Post-master, Hantuka Branch Office with<sup>in</sup> the district of Puri, it was alleged that the petitioner had misappropriated certain amount belonging to the Government. The petitioner was put off from duty. Hence this application has been filed with the aforesaid prayer.

3. This case came up for admission to-day. I did not like to keep this matter unnecessary<sup>ly</sup> pending, and therefore, with the consent given by the counsel for both sides, I



5

2

<sup>propose</sup>  
~~propose~~ to dispose of the matter finally.

4. I have heard Mr.B.S.Tripathy, learned counsel for the petitioner and Mr.U.B.Mohapatra, learned Additional Standing Counsel for the Central Government. Mr.Tripathy strenuously submitted before me that though the petitioner is ~~not at all guilty of~~ the allegations levelled against him, yet, as an abundant precautionary measure, he has already deposited Rs.930/- which includes the principal amount and interest thereon. In such a situation, a sympathetic view should be taken by this Bench and the petitioner should be reinstated to service pending final disposal of the disciplinary proceedings. This was stiffly opposed to by Mr.U.B.Mohapatra, learned Additional Standing Counsel on the ground that since the disciplinary proceeding is contemplated against the petitioner, it would not be justifiable to reinstate the petitioner to service as there would be more chance defalcation.

5. I <sup>have</sup> ~~have~~ expressed <sup>no</sup> ~~no~~ opinion on the contentions advanced by the counsel for both sides. But I do not like to interfere with the impugned order of suspension passed by the competent authority. But it is directed that in case the disciplinary authority decides to file a charge-sheet against the petitioner, then the charge-sheet should be filed within 30 days from the date of receipt of a copy of the judgment; and within 90 days therefrom the enquiry officer must complete the enquiry and submit his report to the disciplinary authority, who in his turn, within 30 days therefrom should pass final orders; failing which the Bench



will consider to quash the disciplinary proceeding.

In case the disciplinary authority comes to the conclusion that there is no prima facie case against the petitioner, then final report should be submitted and the petitioner should be reinstated to the service within seven days of the final orders passed by the disciplinary authority.

The Enquiring Officer should hold day-to-day trial, and in case the petitioner takes any adjournment during the course of the enquiry, the period of such adjournment taken by the petitioner should be counted and added to the stipulated period stated above. The Enquiring Officer should record specifically on the grounds for which adjournment is granted to the petitioner.

4. Thus the application is accordingly disposed of leaving the parties to bear their own costs.

*[Signature]*  
23.3.94  
VICE-CHAIRMAN

Central Administrative Tribunal  
Cuttack Bench Cuttack  
dated the 23.3.1994/ B.K. Sahoo

