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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 161 OF 1994
Cuttack, this the 20th day of September, 1995

Jayaram Mohapatra ... Applicant

Vrs.

Union of India and others ... Respondents.

(FOR INSTRUCTIONS)

- 1) Whether it be referred to the Reporters or not? No.
- 2) Whether it be circulated to all the Benches of the Central Administrative Tribunal or not? No.


(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 161 OF 1994

Cuttack, this the 20th day of September, 1995

CORAM:

HON'BLE SHRI H. RAJENDRA PRASAD, MEMBER (ADMINISTRATIVE)

...

Jayaram Mohapatra,
aged about 27 years,
s/o Kasinath Mohapatra,
At: Harachadisahi,
P.O-Bhubaneswar-2, Dist.Khurda ... Applicant
By the Advocate - M/s B.Nayak &
A.K.Dora.

-versus-

1. Union of India, represented through the Secretary, Department of Culture, Ministry of H.E.D., Sastri Bhawan, New Delhi.
2. Director General, Archaeological Survey of India, Janpath, New Delhi-1.
3. The Superintending Archaeologist, Archaeological Survey of India, Bhubaneswar Circle, Old Town, Bhubaneswar-2, Dist.Khurda ... Respondents

By the Advocate - Mr.U.B.Mohapatra,
Addl.Central Govt.
Standing Counsel.

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O R D E R

H.RAJENDRA PRASAD, MEMBER (ADMN.)

The applicant, Shri Jayaram Mohapatra, was appointed Casual Labourer in December, 1988. On 31.7.1993 he was asked to appear before an Inquiry Committee set up to investigate some allegations of misdemeanour on his part. The applicant says that no inquiry was held on that date although he duly appeared before the concerned officer at the venue indicated. His grievance in this application is that he has not been engaged for duty from 1.8.1993. According to the applicant, he has filed several representations but has not received any reply.

2. The applicant had filed another application earlier before this Tribunal. The case (OA 454/93) was dismissed as lacking in merit.

3. The applicant prays for a direction to be issued to the Respondents to engage him as Casual Labourer, as was being done prior to August, 1993.

4. The Respondents in their counter-affidavit narrate a series of serious irregularities committed by the applicant almost ever since he was engaged. These include : insolence; insubordination; incitement of other casual labourers; visiting other monuments without authority and creating unpleasant situations there; instigating the Pandas of a well-known temple to raise slogans against the Respondent organisation; and assault and intimidation. It is also mentioned

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that he was negligent in the discharge of watch-and-ward duties facilitating the loss of cash from one of the almirahs in an office building which he was supposed to guard.

5. From the documents produced as annexures to the counter-affidavit, it would seem that the applicant has not been able to conduct himself with propriety or sense of responsibility at all times. There have been serious complaints against his misbehaviour with colleagues, superiors, visitors and outsiders. It is not for this Tribunal to go into a detailed investigation of these complaints. The concerned authorities are best suited to conduct such inquiry as is considered necessary.

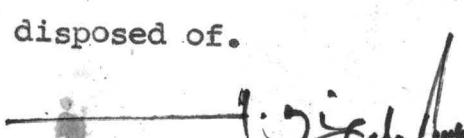
6. In any case it is seen that an 'Inquiry Committee' was already set up to investigate the complaints and allegations made against the applicant. It is not known as to what the findings of this Committee were.

It is, therefore, directed that the applicant be served in writing the details of instances of misconduct noticed on his part or reported against him. It would be necessary that some findings, either proving or disproving the allegations, are also served on him and that he shall be given an opportunity to submit his written explanation. While no regular inquiry

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or elaborate procedure prescribed for regular government servants is warranted in the present case, it is yet necessary that he should be given an opportunity to submit his written explanation after he is apprised of the allegations against him in writing. Such facilities as are considered reasonable in such cases to enable the applicant to submit his explanation should also be afforded to him. It is directed that this may now be done and a suitable decision taken in the matter and communicated to the applicant depending on the nature of explanation given by him. The whole process may be completed within 45 (forty-five) days of the receipt of a copy of this order, provided the applicant co-operates with such process. In the event of the applicant being exonerated in the inquiry, he should be engaged as before and such engagement shall be construed as a fresh engagement if and when it is ordered.

Thus the O.A. is disposed of.


(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)

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Nayak, P.S.