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(2)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH CUTTACK

Original Application No. 6 of 1994

Date of Decision: 31.1.1994

Jagannath Majhi

Applicant

Versus

Union of India & Others

Respondents

(FOR INSTRUCTIONS)

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

  
MEMBER (ADMINISTRATIVE)

31 JAN 94

  
VICE-CHAIRMAN

(3)

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Respondents

For the applicant

M/s. S. Kr. Mohanty  
S. P. Mohanty,  
Advocates

For the respondents

M/s. Ashok Mishra,  
Sr. Standing Counsel  
(Central)

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: In this application under Section 19 of the Administrative Tribunals Act, 1985, the petitioner prays to quash the charge in the disciplinary proceeding or in the alternative to direct the disciplinary authority to finalise the disciplinary proceeding within one month.

2. Shortly stated the case of the petitioner is that while he was functioning as Senior Superintendent of Post Offices, Koraput, on the date of retirement of the petitioner on superannuation, a set <sup>of</sup> ~~up~~ charges was delivered to him which discloses that the petitioner is alleged to be guilty of negligence of duty. Though the petitioner has submitted his written statement of defence, as yet, the disciplinary proceeding has not commenced and thereby the petitioner is being seriously prejudiced.

3.

In view of the peculiar facts and circumstances



of the case, we we did not feel inclined to adjourn this case for filing of the counter as we want the disciplinary proceeding to be expeditiously disposed of. In case the petitioner has submitted his written statement of defence, the presending officer and the enquiry officer should be appointed by the disciplinary authority within 15 days from the date of receipt of a copy of the judgment (if not already appointed) and within 15 days therefrom the disciplinary proceeding must commence and the enquiry officer should hold day-to-day trial and try to complete the proceeding within 30 days from date on which the disciplinary proceeding starts; and the disciplinary authority should pass a final order within 60 days from the date of receipt of the enquiry report. In case the petitioner seeks any adjournment and the same is granted to the petitioner, the number of days taken by the petitioner shall be added to the stipulated period fixed above. We have particularly fixed the period to be 60 days, because, we are told that Mr. Mohan Kumar, one of the charge-sheet witness is not in Orissa and his presence has to be obtained from Kerala. The disciplinary authority would be well-advised <sup>to</sup> contact his counter-part in Kerala and ensure the attendance of Mr. Mohan Kumar within the period stipulated above.

4. Mr. Mohanty, learned counsel for the petitioner didnot press his ppayer regarding grant of provisional pension etc. to the petitioner. In case it is being paid to the petitioner, the quantum should not be altered without the leave of this Court. 50 per cent of the D.C.R.G. payable



to the petitioner may be released to the petitioner within <sup>Thirty</sup> ~~60~~ days from the date of receipt of a copy of the judgment. Thus the application is accordingly disposed of leaving the parties to bear their own costs.

5. This order is passed after hearing Mr.S.Kr.Mohanty, learned counsel for the petitioner and Mr.Ashok Mishra, learned Standing Counsel.

  
MEMBER (ADMINISTRATIVE)

31 JAN 94

Central Administrative Tribunal  
Cuttack Bench Cuttack  
dated the 31.1.1994/ B.K. Sahoo

  
VICE-CHAIRMAN

