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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH; CUTTACK.

ORIGINAL APPLICATION NO. 754 OF 1994.  
Cuttack, this the 6th day of July, 2000.


SHRI KRUPASINDHU PATRA. .... APPLICANT.

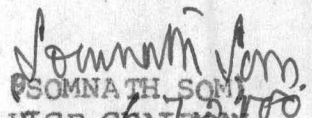
-VERSUS-

UNION OF INDIA & OTHERS. .... RESPONDENTS.

FOR INSTRUCTIONS.

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

  
(G. NARASIMHAM)  
MEMBER (JUDICIAL)

  
SOMNATH SOM  
VICE-CHAIRMAN

10

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 754 OF 1994.  
CUTTACK, this the 6th day of July, 2000.

C O R A M:

THE HONOURABLE MR. SOMNATH SOM, VICE-CHAIRMAN  
AND  
THE HONOURABLE MR. G. NARASIMHAM, MEMBER (JUDL.).

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SHRI KRUPASINDHU PATRA,  
L. D. Clerk, C. I. Section,  
Office of the Dy. Director of Accounts (P),  
Barabati Stadium, Cuttack-5. ... APPLICANT.

By legal practitioner: M/s. D. P. Sarangi & D. P. Parija, Advocate.

- Versus -

1. Chief Postmaster General Orissa Circle,  
Bhubaneswar.
2. Deputy Director of Accounts (Postal),  
Barabati Stadium, Cuttack-5.
3. Accounts Officer, CIS Cum Disciplinary  
Authority, Office of the Dy. Director of Accounts,  
(Postal) Barabati Stadium, Cuttack-5.
4. Inquiring Officer Cum Assistant Supdt. of Post  
Offices I/c, Bhubaneswar North, Bhubaneswar

... RESPONDENTS.

By legal practitioner:

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O R D E R

MR. SOMNATH SOM, VICE-CHAIRMAN:

*Som*  
In this Original Application under section 19 of the Administrative Tribunals Act, 1985, the applicant has prayed for quashing the order dated 9.5.1994 (Annexure-4) in which the applicant is debarred from appearing at the Departmental Examination and the order dated 10.6.1994 at Annexure-6 in which it has been clarified that he is debarred permanently from appearing at the future Departmental Examination. Applicant has also prayed that he should be allowed to appear at the future Departmental Examination and all other consequential reliefs should be given to him.

2. Departmental Authorities have appeared and filed Counter opposing the prayers of the Applicant. For the purpose of considering this Original Application, it is not necessary to go into too many facts of this case.

3. Admitted position is that the applicant while working as LDC was taking the Departmental Examination for promotion to the Post of J<sub>r</sub>. Accountant. The examination was held at Cuttack from 13.5.1991 to 15.5.1991. It is alleged that in the course of examination, the applicant was caught for adopting unfair means in the sense <sup>IRak</sup> he was writing out <sub>JKm</sub> answers from a separate written sheet which has been seized from him. For this Departmental Proceedings were initiated against him and he was imposed with punishment of reduction of pay by two stages for a period of two years w.e.f. 16.11.1993 during which the applicant will not earn any increment. It is to be noted at this stage that this punishment order has not been challenged by the applicant in this Original Application. Besides the above punishment, in accordance with the rules relating to holding of Departmental Examination the Chief Post Master General in his order dated 9.5.1994, at Annexure-1, directed that the petitioner is debarred from appearing at the future Departmental examination. This order did not indicate if such debarment was <sup>IRak</sup> any fixed period. <sub>JKm</sub> Later on it was clarified in order dated 10.6.1994 that the petitioner has been permanently debarred from appearing at the Departmental Examination. Applicant has stated that because of the alleged lapse he has already been punishment with reduction of pay and by preventing him from appearing at the Departmental Examination at all times in future a second punishment has been imposed on him. We are unable to accept this contention because the order preventing him from appearing at the future Departmental examination is not a punishment so far as

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Government servants are concerned, in accordance with CCA Rules. While we reject the above contention of the applicant, we are unable to accept the contention of the Respondents in their counter that the order debaring the applicant to take the Departmental examination permanently does not suffer from any legal infirmity. This is because initially in the order at Annexure-4, it was not indicated that this debarment is for all future examinations. This order was subsequently clarified in the order at Annexure-6. The effect of permanently debaring the applicant from appearing at a Departmental examination for all times to come would mean that he would not ever take the Departmental examination. This would in effect, mean permanently withholding his promotion. In view of this, we hold that the order debaring the applicant from taking the Departmental examination on permanent basis can not be sustained because this will have the effect of denying him from consideration of promotion to the rank of Jr. Accountant. In consideration of the above, we allow the application in part and modify the punishment by directing that the order debaring him from appearing at the Departmental examination will have the effect only till the date of passing of this order i.e. till today. In other words, for all future Departmental examination, the applicant would not suffer from this disability. During the pendency of the OA, the applicant was directed to appear at one Departmental examination and it was ordered that his result should not be published. In view of our above order, the stay order is also vacated and we direct that the result of the applicant in the Departmental examination which he has taken by virtue of the stay order should not be published.

(G. NARASIMHAM)  
MEMBER (JUDICIAL)

KNM/CM,

12

*Somnath Som*  
(SOMNATH SOM)  
VICE-CHAIRMAN