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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO. 183 OF 1996
Cuttack this the 3rd day of September/02

Sk. Gulam Sahajed ... 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 Tribunal or not ? No

J. Mohanty
(M. R. MOHANTY)
MEMBER (JUDICIAL)

V. Srikantan
(V. SRIKANTAN)
MEMBER (ADMINISTRATIVE)

03.09.2002

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH : CUTTACK

ORIGINAL APPLICATION NO.183 of 1996
Cuttack this the 3rd day of September/2002

CORAM:

THE HON'BLE MR. V. SRIKANTAN, MEMBER(ADMINISTRATIVE)
AND
THE HON'BLE MR. M.R.MOHANTY, MEMBER(JUDICIAL)
...

Sk.Gulam Sahajed, aged 48 years,
S/o. Late Sk.Gulam Ahamed, Ex-E.D.S.P.M.,
Talachuan E.D.S.O., At/PO-Talchuan,
Dist - Kendrapara

... Applicant

By the Advocates

Mr.D.P.Dhalasamant

-VERSUS-

1. Union of India represented by its Secretary,
Department of Posts, Dak Bhavan, New Delhi
2. Chief Postmaster General, Orissa Circle,
At/PO-Bhubaneswar, Dist-Khurda
3. Director of Postal Services, Office of the
Chief Postmaster General, Orissa Circle,
At/PO-Bhubaneswar, Dist-Khurda
4. Superintendent of Post Offices, Cuttack
North Division, At/PO/Dist-Cuttack

... Respondents

By the Advocates

Mr.A.K.Bose,
Sr.Standing Counsel
(Central)

O R D E R

MR.V. SRIKANTAN, MEMBER(ADMINISTRATIVE): The applicant,
while working as Extra Departmental Sub Postmaster, Talehuan
E.D.S.O. was issued with a charge-sheet on 17.3.1992,
containing three article of charges. The applicant having
denied the charges an enquiry was held and the enquiry
report was submitted to the Disciplinary Authority on
10.8.1993. The Disciplinary Authority furnished a copy of
the enquiry report along with show cause notice to the

applicant to have his say, through letter dated 25.8.1993. The applicant sent a reply to the Disciplinary Authority on 13.9.1993. The Disciplinary Authority, by taking into account the explanation of the applicant passed an order on 11.7.1995 removing the applicant from service. The applicant, thereafter, preferred an appeal to Respondent No.3 on 13.9.1995. The Appellate Authority, after considering the appeal, rejected the same vide its order dated 4.4.1994. Aggrieved by the orders passed by the Disciplinary Authority and the Appellate Authority, the applicant has filed this Original Application seeking quashing of the orders passed by the Disciplinary Authority and the Appellate Authority.

2. Heard Shri D.P.Dhalasamant, the learned counsel for the applicant and Shri A.K.Bose, the learned Senior Standing Counsel for the Respondents.

3. The counsel for the applicant has raised two grounds in support of his contention. The first ground is that the order passed by the Disciplinary Authority is not a speaking order and the second ground is that the Disciplinary Authority, while furnishing a copy of the enquiry report to the applicant had already come to a conclusion to impose the punishment of removal from service of the applicant.

In so far as the orders passed by the Disciplinary Authority is concerned, it is seen from the orders of the Disciplinary Authority dated 11.7.1995 (in para-6) that he has listed out all the points raised by the applicant in his representation dated 13.9.1993 and again thereafter stated that "I have gone through the charges, the relevant records, documents and the representation of the SPS and

and report of the Inquiry Officer etc. and thereafter passed the punishment order. In this view of the matter it cannot be held that the order passed by the Disciplinary Authority is not a speaking order, as he has applied his mind and dealt ^{with} all the points raised by the applicant and examined the matter carefully. Further, it is seen that the appeal was preferred by the applicant and the same was considered in detail by the Appellate Authority vide its order dated 4.4.1996. The orders passed by the Disciplinary Authority as well as the Appellate Authority are exhaustive and therefore, the applicant cannot claim that these are cryptic and non-speaking orders.

The second point raised by the applicant is regarding the pre-decision of the Disciplinary Authority for imposing the punishment of removal from service of the applicant. It is true that this point has been raised by the applicant in his O.A., to which no direct reply has been given by the Respondents. It is also true that this point had been raised by the applicant in his appeal and the same has also been considered by the Appellate Authority. However, with a view to verifying the correctness of the above position, we had called for the records. On going through the records, which was also shown to the counsel for the applicant, no such proposal has been made in letter dated 25.8.1993 by the Disciplinary Authority, under which the enquiry report was forwarded to the applicant. This being the position, the contentions raised by the applicant is not acceptable.

4. For the reasons discussed above, we do not see any merit in this Original Application, which is accordingly dismissed, leaving the parties to bear their own costs.

M.R.MOHANTY
03/09/200~
(M.R.MOHANTY)
MEMBER(JUDICIAL)

V.SRIKANTAN
(V.SRIKANTAN)
MEMBER(ADMINISTRATIVE)

Bijy/