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| | | <p style="text-align: right;">for admission of interim prayer RAB 3/4.</p> <p style="text-align: right;">Bench</p> |
| 2 | 3-4-96 | <p>Heard Shri D.P.Dhalasamant, learned counsel for the applicant and Shri Ashok Mohanty, learned Senior Standing Counsel for the Respondents.</p> <p>2. The applicant was working as a Postal Assistant in Sahid Nagar Post Office at Bhubaneswar. He was placed under suspension by the Senior Superintendent of Post Offices (Respondent No.3) by Memo.No.SSP/Con-Vig/ 15/94 dated 9.3.1994. O.A.No.652 of 1994 was filed by the applicant to quash the order of suspension. This was disposed of by this Tribunal with a direction to the Respondents to take steps for expeditious enquiry. The allegation of the applicant is that no follow-up action has been taken by the Respondents. It is the claim of the applicant that his continuance will in no way prejudice the investigation in the matter. He preferred an appeal on 15.3.1994 to the Respondent No.2. Learned counsel, Shri Dhalasamant cites the decision of the Supreme Court in (1994) 27 ATC 567 (<u>state of H.P. v. B.C.Thakur</u>). Their Lordships of the Supreme Court have held that continuance of suspension for nearly two years without substantial progress in the departmental enquiry rendered the suspension liable to be set aside. They have retained the chargesheet but</p> <p><i>Maran</i></p> |

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| (Contd...) | | <p>set aside the suspension.</p> <p>3. Learned Senior Standing Counsel, Shri Ashok Mohanty, after taking instructions, submitted the following chronological progress in the departmental enquiry. On 9.3.1994 the applicant was placed under suspension. On 30.3.1994 there was an order for grant of subsistence allowance. On 28.6.1994 there was a review of the subsistence allowance and the said allowance was increased. There was a reference in the meanwhile to the General Examiner of Questioned Documents for certain findings on disputed documents. The findings of the General Examiner of Questioned Documents were received on 20.10.1995. On 4.1.1996 the chargesheet was issued. On 30.1.1996 the charges were denied. On 20.3.1996 the Chief Post Master General has been requested to appoint an enquiring officer.</p> <p>4. With the above background given to me in the Bar by the learned Senior Standing Counsel, I do not think there is any need for a counter affidavit. I am satisfied there is consistent progress in the departmental enquiry. I do not find any justification to entertain this Original Application, much less to grant any interim relief sought for. However, this is the second Original Application against the suspension. The Respondents are once again directed</p> |

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| | | <p>to complete the departmental enquiry and finalise the proceedings within a period of six months.</p> <p>With this observation, the application is dismissed.</p> <p style="text-align: right;"><u>Haraswadi</u> MEMBER (ADMINISTRATIVE)</p> <p>free copy of the orders dt-3-4-96 may be given to the counsels for both sides.</p> <p style="text-align: right;"><u>Sarkar</u> 8/4</p> <p style="text-align: right;">S. O</p> <p>Received a copy A. 14/96</p> <p>Received copy on behalf of Mr. A. Mohan Sr. Secy Jagannath Park 8/4/96</p> |