

3

9

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CUTTACK BENCH

Original Application No. 600 of 1997  
Cuttack this the 2nd day of April, 1997

Jadumani Mishra

...

Applicant(s)

-VERSUS-

Union of India & Others ...

Respondent (s)

(FOR INSTRUCTIONS)

1. Whether it be referred to reporters or not ?
2. Whether it be circulated to all the Benches of the Tribunal or not ?

*Somnath Soni*  
(SOMNATH SONI)  
VICE-CHAIRMAN

*K.M. Agarwal*  
(K.M. AGARWAL)  
CHAIRMAN

4

CENTRAL ADMINISTRATIVE TRIBUNAL, CUTTACK BENCH

Original Application No. 600/99  
Cuttack this the 2nd day of April, 1997

C O R A M:

THE HONOURABLE MR. JUSTICE K.M. AGARWAL, CHAIRMAN

AND

THE HONOURABLE MR. SOMNATH SOM, VICE CHAIRMAN

...

Jadumani Mishra  
E.D.B.P.M. Gudavelipader  
(under put off duty)  
District: Phulbani

...

Applicant

By the Advocate:

Mr. D.P. Dhalasamant

-VERSUS-

1. Union of India  
represented through  
Chief Postmaster General  
Orissa Circle,  
Bhubaneswar-751001
2. Director of Postal Services,  
Berhampur Region,  
Berhampur (Gm) - 760001
3. Superintendent of Post Offices,  
Phulbani Division  
Phulbani - 762001

...

Respondents

By the Advocate:

Mr. Ashok Mohanty  
Sr. Standing Counsel  
(Central)

...

ORDER (ORAL)

HON'BLE MR. JUSTICE K.M. AGARWAL, CHAIRMAN:

Heard Shri D.P. Dhalasamant, learned counsel for  
the applicant and Shri Ashok Mohanty, learned Senior  
Standing Counsel appearing for the Respondents.

Im

Counter has been filed. With the consent of learned counsel for the parties this Application is finally heard and hereby decided.

2. By order dated 27.6.1994, the applicant was put to off duty with immediate effect by the Superintendent of Post Offices, Phulbani Division. As no charge sheet was served on the applicant for a considerable time, he filed the present Original Application on 12.8.1996 praying for quashing the said order and for reinstatement with backwages. It appears that after service of notice of the said Original Application, the Respondents served the applicant with a charge sheet on 27.9.1996.

3. The learned counsel for the applicant submitted that an inquiry into any alleged misconduct itself is required to be disposed of within 45 days as far as possible as provided in paragraph-3 (D.G., Posts, Lr.No.294/90-(E) 1 Trg., dated the 26th July, 1990, reproduced in Swamy's Service Rules for E.D. Staff at page 54 of 1994 6th Edition), whereas the applicant has been kept on off duty for more than a period of two years and therefore, there was no justification for permitting the Respondents to initiate or to conduct any inquiry into any allegation of misconduct after lapse of such a considerable period of time.

4. The learned counsel for the Respondents submitted that a serious charge of misappropriation

to

to the tune of Rs.34,500/- is there against the applicant and therefore, it would not be just and proper to direct quashing of the inquiry proceedings only on the ground aforesaid. Having given our anxious consideration to the rival contentions, we are of the view that this petition may be disposed of by permitting the Respondents to continue the inquiry initiated against the applicant with the charge sheet dated 27.9.1996 with a direction to complete the inquiry positively within a period of three months from the date of receipt of a copy of this order. If the inquiry is not concluded within the period as aforesaid, the applicant shall immediately be reinstated in service in accordance with law.

5. The authority shall also consider desirability of paying compensation/ex-gratia to the applicant for the period of put off duty if he is exonerated from the charge or reinstated in the manner aforesaid.

No costs.

*Somnath Singh*  
(SOMNATH SINGH)  
VICE-CHAIRMAN

*K.M. Agarwal*  
(K.M. AGARWAL)  
CHAIRMAN

B.K.Sahoo//C.M.