

CENTRAL ADMINISTRATIVE TRIBUNAL,

CUTTACK BENCH, CUTTACK.

ORIGINAL APPLICATION NO.61 OF 1996

Cuttack, this the 7th day of April, 1998

Achuta Nayak

.....


Applicant


Vrs.

Superintendent of Post Offices and 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.


(S.K.AGRAWAL)
MEMBER (JUDICIAL)


(SOMNATH SOM)
VICE-CHAIRMAN

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CORAM:

HON'BLE SHRI SOMNATH SOM, VICE-CHAIRMAN
AND
HON'BLE SHRI S.K.AGRAWAL, MEMBER(JUDICIAL)

.....

Achuta Nayak,
aged about 55 years
s/o late Kapila Nayak,
working as Sub-Post Master,
At-Nandapur Post Office,
At/PO-Nandapur, District-Koraput,
At/PO-Manikagada, PS-Bolagarh, Dist.Khurda,
At present At/PO-Padua, P.S-Padua,
District-Koraput Applicant

By the Advocates - M/s R.N.Mohanty-2
& K.P.Mohanty

Vrs.

1. Superintendent of Post Offices,
Koraput, at/PO-Jeypore,
Dist.Koraput.
2. Director of Postal Services,
Berhampur Region, Berhampur,
District-Ganjam.
3. Post Master General,
Berhampur, District-Ganjam.
4. Chief Post Master General,
Bhubaneswar, At-New Capital,
Bhubaneswar, District-Khurda Respondents

By the Advocate - Mr.Ashok Mohanty
Sr.C.G.S.C.

O R D E R

Somnath Som.
7.4.98
SOMNATH SOM, VICE-CHAIRMAN

In this application under Section 19 of
Administrative Tribunals Act, 1985, the petitioner has prayed
that he be reinstated in service with all service benefits

and arrear pay dues.

2. We have heard Shri R.N.Mohanty-2, the learned lawyer for the petitioner and Shri Ashok Mohanty, the learned Senior Standing Counsel appearing on behalf of the respondents, and have also perused the records.

3. The short facts of this case are that while the petitioner was working as Sub-Post Master at Nandapur in Koraput District, a criminal case was filed against him under Section 409 of Indian Penal Code. The learned Sub-Divisional Judicial Magistrate, Koraput, in his judgment dated 20.12.1991 found him guilty and convicted him to undergo RI for a period of two years with fine of Rs.1000/-, in default RI for one month more. On his conviction the criminal case, he was dismissed from service. The applicant preferred an appeal against the judgment of the learned S.D.J.M. and the case was remanded to the trial court. The learned S.D.J.M. in his order dated 13.1.1994 acquitted him of the charge. The petitioner states that on his acquittal, he is entitled to be reinstated in service. At the time of hearing, it was noticed that in the meantime the petitioner has been reinstated in service in order dated 6.6.1997 which is at Annexure-2 of another O.A.No.446/97 also filed by the petitioner. Therefore, it was conceded by the learned lawyer for the petitioner that his prayer for being reinstated in service has become infructuous.


Common Jm.
7.4.98


of the applicant

4. The second prayer is for getting the arrear pay and other financial benefits on his reinstatement in service. From the order of reinstatement dated 6.6.1997, which is at Annexure-2 of OA No.446/97, we note that after his acquittal, the departmental authorities have decided to conduct further enquiry and further enquiry is in progress and pending completion of the enquiry, he has been placed under suspension. The petitioner is already in receipt of subsistence allowance. The manner as to how the period of suspension will be treated will be decided on conclusion of the departmental enquiry. It is, therefore, not possible to grant his second prayer that on setting aside of his order of dismissal from service, he should get all financial benefits. The second prayer is, therefore, held to be without any merit and is rejected.

5. In the result, therefore, the application is dismissed as it has become partly infructuous and because the second prayer is rejected on the grounds indicated above.

There shall be no order as to costs.


(S.K.AGRAWAL)
MEMBER(JUDICIAL)


(SOMNATH SOM)
VICE-CHAIRMAN
14.98