

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 725 OF 1996
Cuttack, this the 19th day of June, 2003.

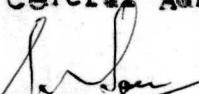
Gopal Krishna Behera. Applicant.

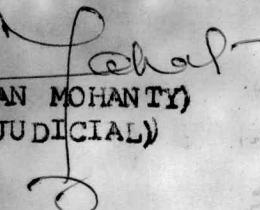
:Vrs.:

Union of India & Ors. Respondents.

FOR INSTRUCTIONS

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


(B.N. SOM)
VICE-CHAIRMAN


(MANORANJAN MOHANTY)
MEMBER (JUDICIAL)

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK.

ORIGINAL APPLICATION NO. 725 OF 1996
Cuttack, this the 19th day of June 2003.

C O R A M:

THE HONOURABLE MR. B.N. SOM, VICE-CHAIRMAN
AND
THE HONOURABLE MR. MANORANJAN MOHANTY, MEMBER(J).

..

SRI GOPAL KRISHNA BEHERA, 33 years,
S/o. Sri Ashimanyu Behera,
Vill./New Kamalpur, PO:Gelabandha,
Dist: Ganjam(O), Orissa-761 052.

.... Applicant.

By legal practitioner: Mr. P.K. Padhy, Advocate.

- Versus -

1. Union of India represented by its Secretary, Ministry of Defence, Sansad Marg, New Delhi-1.
2. Chief Engineer, Central Command (M.E.S), Lucknow Zone, Lucknow (U.P.)-226 002.
3. Superintending Engineer, Commander Works Engineer, Ranchi, Diphateli Cantt, Bihar.
4. Garrison Engineer, Gopalpur On sea, At/PO:Gelabandha, Dist. Ganjam-52.

.... Respondents.

By legal practitioner: Mr. U.B. Mehatra,
Additional Standing Counsel
(Central).

....

O R D E R

MR. MANORANJAN MOHANTY, MEMBER (JUDICIAL) :

Applicant, while working under the Respondents as Castle Jointer, having faced the order of removal/dismissal from service (in a disciplinary proceedings initiated against him) under Annexure-10 dated 24.06.1995 (which was confirmed by the Appellate Authority under Annexure-11 dated 24.05.1996) has filed this Original Application under Section 19 of the Administrative Tribunals Act, 1985; praying therein (a) for quashing of the penal order under Annexure-10 and Appellate Order under Annexure-11 and (b) with a prayer for a further direction (to the Respondents) to grant him all consequential (service and financial) benefits retrospectively.

2. Respondents have filed their counter enumerating the facts leading to passing of the order of punishment.

3. This Original Application was heard alongwith O.A.No. 721 of 1996 (of Arakhita Moharana, who was also visited with the similar order of punishment of removal/dismissal), as on perusal of the records of this case, we were convinced that on fact and the points in issue raised in this case are one and the same as were raised (and decided today) in the said O.A.No. 721 of 1996.

4. In the said premises having heard the counsel appearing for both the parties, we hold that the ratio decided in O.A.No. 721 of 1996 (supra) has the full application in the instant case and, accordingly, we are of the opinion that the allegations/charges/proceedings levelled/initiated against the Applicant and the penal order of removal/dismissal are liable to be quashed; being baseless, unfounded and patently

perversion; for the reasons elaborately discussed in the final orders passed today in O.A.No. 721 of 1996 of Arakhita Maharanu and, accordingly, we quash the same. As the consequence of quashing of the charges, the orders flown therefrom are, accordingly, held to be nonexistence in the eye of law and, resultantly, the Applicant is entitled to all service and financial benefits retrospectively by treating him to be in service all through. He is to be reinstated forthwith. All past service and financial benefits are to be given to the Applicant as per the judicial pronouncement of the Hon'ble Apex Court of India rendered in the case of UNION OF INDIA VRS. K. V. JANKIRAMAN (reported in AIR 1991 SC 2019). In the result, this Original Application is allowed; by leaving the parties to bear their own costs.

5. Copies of this order be sent (alongwith the orders passed today in OA No. 721 of 1996 of Arakhita Maharanu Vrs. Union of India and others) to the parties of this case. Respondents to follow the directions given in this order and in the order (of today) rendered in OA No. 721 of 1996 in respect of the Applicant of this case.


(B.N. SOM)
VICE-CHAIRMAN


(MANORANJAN MOHANTY)
MEMBER(JUDICIAL)