

5

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION No.551 OF 1998  
Cuttack this the 7<sup>th</sup> day of October, 1999

Brajamohan Jena

Applicant(s)

-Versus-

Union of India & Others

Respondent(s)

(FOR INSTRUCTIONS)

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

*Somnath Som*  
(SOMNATH SOM)  
VICE-CHAIRMAN  
7.10.99

*G. Narasimham*  
(G.NARASIMHAM)  
MEMBER(JUDICIAL)

6

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO.551 OF 1998  
Cuttack this the 7<sup>th</sup> day of October, 1999

CORAM:

THE HON'BLE SHRI SOMNATH SOM, VICE-CHAIRMAN  
AND  
THEON'BLE SHRI G.NARASIMHAM, MEMBER(JUDICIAL)

...

Sri Brajamohan Jena  
S/o. Late RaghunathJena  
Vill|Po: Bancho, Via: Fakirpur  
Dist: Keonjhar

...

Applicant

By the Advocates : Mr.P.K.Padhi

-Versus-

1. Union of India represented by it's  
Chief Post Master General, (Orissa Circle)  
At/Po: Bhubaneswar, Dist: Khurda
2. Superintendent of Post Offices  
Keonjhar Division, At/Po/Dist: Keonjhar-758001
3. Director of Postal Services  
Sambalpur Region, At/Po/Dist: Sambalpur

...

Respondents

By the Advocates : Mr.S.B.Jena  
Addl.Standing Counsel  
(Central)

...

ORDER

MR.G.NARASIMHAM, MEMBER(JUDICIAL): Applicant, while serving as Extra Departmental Branch Post Master, Bancho was placed under put off duty on 1.12.1997 by S.D.I.(P), Anandpur (Annexure-A/1) and this was confirmed by the Superintendent of Post Offices, Keonjhar on 5.12.1997(Annexure-A/2). He was placed under put off duty in contemplation of a departmental proceeding. In this application filed on 21.10.1998, the applicant prays for quashing the put off duty order on the ground that the proceeding has not been finalized.

2. In the counter filed on 4.1.1999 the Department take the stand that proceeding has been initiated on 13.4.1998 for charge of misappropriation of Money Order amounting to Rs.1000/- by forging signature of the payee on the Money Order Form. The applicant having denied the charge, the Inquiring Officer and the Presenting Officer have been appointed in Memo dated 6.8.1998 (Annexure-R/1). The enquiry which has since started is expected to be completed shortly.

3. We have heard Shri P.K.Padhi, learned counsel for the applicant and Shri S.B.Jena, learned Addl.Standing Counsel appearing for the respondents. Also perused the records.


There is undoubtedly some delay in initiating the proceeding which by the time the counter was filed was still pending. However, simply on the ground of delay we are not inclined to quash the order of put off duty. Yet the proceeding, if not completed already cannot be allowed to drag on indefinitely. We direct the

respondents to finalize the proceeding, if not already done within 1.1.2000 even if the applicant does not participate in the proceeding, failing which the respondents shall revoke the order of put off duty and reinstate the applicant to the post he was holding by 1.1.2000.

The application is disposed of as per the directions given above, but without any order as to costs.

Registry to send copies of this order to respondents forthwith and learned Addl. Standing Counsel shall also intimate the respondents about this direction.

  
(SOMNATH SOM)  
VICE-CHAIRMAN  
7.10.99

  
(G. NARASIMHAM)  
MEMBER (JUDICIAL)  
2.10.99

B.K. SAHOO