

Order dated 24.02.2004.

No time for the day.

Adjourned to 09.03.2004.

Mr. Chandra 24/2
Member G

ORDER DATED 09-03-2004.

Heard Mr. S. Das, Learned Counsel for the Applicant and Mr. S. Behera, Learned Additional Standing Counsel appearing for the Respondents.

Applicant in this Original Application has prayed to admit this case and to issue notice to the Respondents and after hearing the parties to direct the Respondents to re-instate the applicant in his post as Extra Departmental Sub Post Master, Paikasahi Branch Post Office with back wages and increment as admissible under law.

The fact of the matter is that the Applicant was under put off duty and then removed from service on allegation of temporary misappropriation in respect of certain Savings Bank transactions in that post office. The matter was taken to the appropriate court and the trial court had imposed the punishment of imprisonment under section 409/477 IPC. The matter was further taken in appeal to the Court of the learned CJM, Baripada by the Applicant, who was pleased to set aside the punishment order of the trial court and the

8

Respondents/Department/Govt. have filed Govt. Petition No. 5/97 before the Hon'ble High Court which is still pending. In the aforesaid facts of the matter, the issues raised in the present O.A. cannot be adjudicated by this Tribunal ^{at this juncture} and therefore, this O.A. is premature. We, therefore, while disposing of this O.A. direct the Applicant to approach the Hon'ble High Court for the reliefs as prayed in this O.A. if so advised.

In the result, this Original Application is disposed of. No costs.

[Signature]
Vice-Chairman

[Signature]
Member (Judicial)

For a copy of
final order
dt. 9.3.04 issued to
counsel for both
sides.

[Signature]
S.O.D.

28
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