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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 204 OF 1999.  
Cuttack, this the 4th day of February, 2003.

A. DANDAPANI DORA. .... APPLICANT.  
VRS.

UNION OF INDIA & ORS. .... RESPONDENT.

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. 204 OF 1999  
Cuttack, this the 4th day of February, 2003.

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

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A. Dandapani Dora, Aged about 43 years,  
S/o. A. Juhistir Dora, Ex-BPM, Balasore,  
At/Po: Talasara, via: Sumandal,  
DISTRICT: GANJAM.

.... APPLICANT.

By legal practitioner: M/s. B. S. Tripathy, M. K. Rath,  
Advocates.

-VERSUS-

1. Union of India represented through its  
Chief Postmaster General, Orissa Circle,  
At/Po: Bhubaneswar, Dist. Khurda.
2. Director, Postal Services, Berhampur (Gan.)  
Region, Berhampur, Dist: Ganjam.
3. Senior Superintendent of Post Offices,  
Berhampur (Ganjam) Division,  
Berhampur, Dist: Ganjam.

.... RESPONDENTS.

By legal practitioner: Mr. A. K. Bose,  
Senior Standing Counsel.

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O R D E R

MR. MANORANJAN MOHANTY, MEMBER(JUDICIAL) :-

Shorn of unnecessary details, it would suffice to note that apparently this is the third journey of the Applicant to this Tribunal challenging the removal order under Annexure-3 dated 24.08.1998, from the post of Extra Departmental Branch postmaster of Talasara Branch Post Office, in account with Sumandal Sub post Office, in consequence of a disciplinary proceedings initiated against him, under Rule-8 of the EDAs (Conduct and Service) Rules, 1964. The main charge of the proceedings initiated against the Applicant on 21.4.1987 was that he abandoned from duty unauthorisedly, while working as Extra Departmental Branch Post Master of Talasara Branch post Office w.e.f. 29.9.1982. Earlier, during the commencement of the said proceedings, the Applicant rushed to this Tribunal in O.A.No.156/87, apparently, challenging the said initiation of the disciplinary proceedings and this Tribunal in order dated 9.3.1989 directed the Disciplinary Authority to pass orders within a stipulated period. On the conclusion of the said proceedings, on 12.9.91 order of removal from service was imposed on the Applicant; and, as against the said order of removal dated 12.9.91, the

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Applicant preferred an appeal to the Director of Postal Services, Berhampur Region and on being unsuccessful, the Applicant again approached this Tribunal in O.A.No.75/93; which was disposed of on 24.4.98 in remitting back the matter to the Disciplinary Authority with the following directions:-

- \*(i) Disciplinary Authority shall take up and proceed with departmental enquiry from the stage where he is required to exercise his power under Rule-15 CCS(CCA) Rules, with reference to enquiry officer's report;
- (ii) The disciplinary authority, shall after giving notice to the Applicant of his intention to differ from the enquiry officer's report and reasons thereof, afford the applicant a reasonable opportunity to represent and be heard;
- (iii) Thereafter, the disciplinary Authority shall pass appropriate orders according to law;
- (iv) The above directions shall be complied with as expeditiously as possible and preferably within four months from the date of receipt of a copy of the judgment.\*

After the disposal of the said O.A.No.75/93 on 24.4.98, the Applicant was supplied with the copy of the report of the enquiry officer as also the reasons of disagreement of the Disciplinary Authority on 20.6.98. The applicant preferred a representation on 13.7.98 as against the said reasons of disagreement of the Disciplinary Authority. The applicant was also allowed a personal hearing on 17.7.98. Thereafter, the Senior Superintendent of Post Offices, Berhampur passed the order of removal from service under Annexure-3

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dated 24.8.98. As against the said order of punishment the applicant preferred an appeal on 09-10-1998 which was rejected by the Appellate Authority in Memo No. ST/ 5-54/53/98 dated 31.12.98/20.5.1999, under Annexure-R/2. On being un-successful, the Applicant has preferred the present Original Application, under Section 19 of the Administrative Tribunals Act, 1985.

2. Heard Mr. M.K. Rath, Learned Counsel for the Applicant and Mr. A.K. Bose, Learned Senior Standing Counsel for the Union of India, appearing for the Respondents and perused the records.

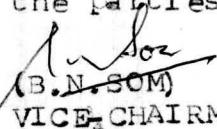
3. At the out set, it is to be noted that in a matter of disciplinary proceedings, the power of Courts/Tribunal are very limited. The Courts/Tribunal can interfere in a matter of disciplinary proceedings only in case of denial of natural justice/adequate opportunity ; thereby violating the constitutional mandate as enshrined under Article 14 of the Constitution of India; if the findings reached are based on no record; and if the punishment imposed is/<sup>disproportionate and</sup> shocking to the judicial conscience.

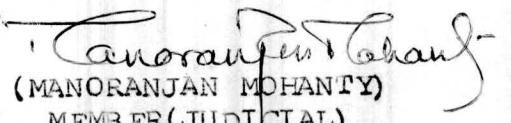
4. In this third journey, the Applicant has raised no point of law attracting our attention to interfere with the impugned order of punishment passed by the Department. whatever lapses raised and pointed out by this Tribunal in earlier two occasions (while disposing of the O.A.No.156/37 on 9.3.89 and OA No. 75/93 on 24.4.98), having been cured by

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Department in the disciplinary proceedings initiated against the Applicant, there remains nothing for this Tribunal to interfere with the order of punishment. We may note here that whatever points have been raised by the Applicant, through his Counsel in this O.A., were the matters to be agitated before the Appellate Authority. This Tribunal not being the Appellate Authority, we are not inclined to interfere with such of the points which can only be considered by the Appellate Authority. On incisive analysis of the orders impugned in this O.A., it appears that the disciplinary Authority and the Appellate Authority of the Applicant had given due anxious consideration to all aspects of the matter and, therefore, without making further discussion in the matter, we are inclined to dismiss this Original Application, <sup>the same</sup> being devoid of any merit.

5. In the result, therefore, this Original Application is dismissed being devoid of any merit; leaving the parties to bear their own costs.

  
(B.N. MOHANTY)  
VICE-CHAIRMAN

  
(MANORANJAN MOHANTY)  
MEMBER (JUDICIAL)  
04/02/2003

KNM/CM.