

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No. 267 OF 1999
Cuttack, this the 27th day of August, 2004.

Arakhit Debata.

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Applicant.

-Versus-

Union of India & Ors.

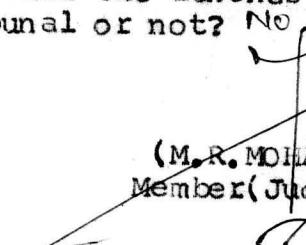
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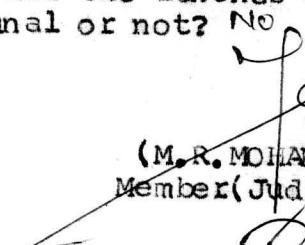
Respondents.

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


(M.R. MOLANTY)
Member (Judicial)


27.08.04

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No. 267 OF 1999
Cuttack, this the 27th day of August, 2004.

C O R A M:

THE HONOURABLE MR. B.N. SOM, VICE-CHAIRMAN
A N D
THE HON'BLE MR. M. R. MOHANTY, MEMBER (JUDL.).

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ARAKHIT DEBATA,
S/o. Krushna Chandra Debata,
Village/Po: Kadobahal,
PS: Attabira, Dist. Bargarh.

Applicant.

By legal practitioner. Mr. D. P. Dhalsamant, Advocate.

: Vrs.:

1. Union of India represented through
Chief Postmaster General, Orissa Circle,
Bhubaneswar-751 011.
2. Director of Postal Service,
Sambalpur Region, Sambalpur,
PIN-768 001.
3. The Superintendent of Post Offices,
Sambalpur Division, Sambalpur-768 001.

... Respondents.

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

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O R D E R

MR. MANORANJAN MOHANTY, MEMBER (JUDICIAL):

Applicant, Arkhita Debata was functioning as
E.D. Sub-Postmaster, Kadobahal E.D.S.O. for the period
from 09.08.1974 to 12.01.1994. During the aforesaid
period, the said Shri Debata in the capacity of E.D.
Sub-Postmaster, Kadobahal EDSO allegedly accepted cash
of Rs. 1000/-, Rs. 1200/-, Rs. 200/- and Rs. 200/- on 02.11.

S. S.

1992; 12.12.1992; 11.01.1993 and 10.02.1993 respectively for deposit in Kadobahal EDSO in SB Account No.10730016 but as he (said Debata/Applicant) did not make necessary entries of the deposits in the Kadobahal EDSO SB Pass Book Accounts in the respective dates nor deposited the same into the Government account and utilised the said amount for his personal gain, on being detected, he was proceeded under Rule-8 of EDA(Conduct & Service)Rules, 1964 vide Sambalpur Divisional Office Memo No.F.1/4-1/94-95, Disc.dated 27.03.1998. The Inquiring Officer found the charges against the Applicant to be proved and the Respondent No.3 (as the Disciplinary Authority) finally found that the integrity of the Applicant to be questionable and, as such, he was removed from service. As against the said order of punishment, the Applicant had submitted his appeal under Annexure-12 dated 30.05.1998 and during the pendency of the said appeal, this O.A. has been preferred challenging the order of punishment, with a prayer to take back the Applicant to service with all consequential benefits.

2. By filing counter, the Respondent-Department have disclosed that the Applicant has preferred this O.A. without exhausting the departmental remedies and, therefore, as per the Rules, this O.A. is not maintainable.

3. Heard learned counsel for parties and perused the materials placed on record. During the argument, learned Counsel for the Applicant submitted that the pay-in-slip

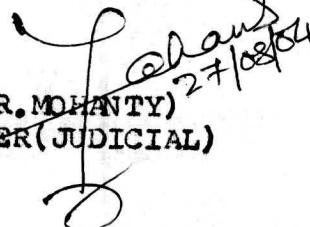
has wrongly been accepted to be the counter-foil by the Inquiring Officer /Disciplinary Authority and that even though there are discrepancies in the statement of the witnesses, the same was not considered and the so-called receipt granted by the Applicant in token of receipt of the Pass-Book (on 22-06-1991) has never seen the light of the day (either during the preliminary enquiry or during the statutory enquiry) and this manifestly shows that the Pass-book was very much with the depositor and the facts elicited during the enquiry negate the allegations. Learned Counsel appearing for the Respondents has very vehemently, opposed such submissions of the learned counsel for the Applicant. However, we do not record such submissions made by the Respondents' counsel; because it is seen that the appeal preferred by the Applicant has not yet been disposed of.

4. We, therefore, call upon the Respondents to dispose of the appeal preferred by the Applicant under Annexure-12, within a period of sixty days from the date of receipt of a copy of this order. Liberty is also granted to the Applicant to place such of the materials in support of his submission, if any, to prove his innocence within a period of fifteen days hence and in case the Applicant submits any further materials within the specified period stated above, the Respondents are hereby directed to take such materials into consideration and pass a reasoned order within the time stipulated above. This we are doing without giving any comments on the merits of the matter.

J

5. In the result this Original Application is disposed of in terms of the above direction. No costs.


(B.N. SOM)
VICE-CHAIRMAN


(M.R. MOHANTY)
MEMBER (JUDICIAL)
27/10/84