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O. A. No. 18/2000.

ORDER DATED 12-12-2001.

This matter has been fixed today for hearing and final disposal at the stage of admission. When the matter was called for hearing, Shri A.K. Chowdhury, learned counsel for the applicant and his associates were absent. Shri K.K. Das, Learned counsel wanted an adjournment on behalf of the learned counsel for the applicant. As we never grant adjournment, when the matter was called for hearing, prayer for adjournment is rejected. We have heard Shri S. Behera, Learned Additional Standing Counsel (Central) appearing for the Respondents and perused the records.

In this Original Application, the applicant has prayed for quashing the order dated 7-5-1990 passed by the Supdt. of Post Offices, keeping the applicant under put off duty. His second prayer is for a direction to the Respondents to allow the applicant to discharge his duty as EDBPM. The order dated 7-5-1990 is at Annexure-1 to the OA. In this order, the applicant who was working as EDBPM, Baghala Post Office has been placed under put off duty.

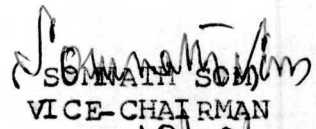
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Respondents in their counter have stated that on allegation of misappropriation a CrI. case was filed against the applicant and he was convicted by the Learned Judicial Magistrate, First Class in his order dated 9.2.96 imposing on him rigorous imprisonment for three years with fine amounting to Rs. 2000/-. Thereafter, the applicant was dismissed from service in 1997. No rejoinder has been filed by the applicant and therefore, these averments of the Respondents made in the counter have not been controverted

by the applicant. From this we find that in 1997 , the applicant has already been dismissed from service. Therefore, his prayer in the present O.A. for quashing the order dated 7-5-1990 putting him under put off duty has become infructuous. Moreover, in this OA filed in the year 2000 he has challenged the put off duty order dt. 7-5-1990 after about a decade. On this ground also the OA is not maintainable.

In view of our above discussions, we find no merit in this O.A. which is accordingly dismissed. No costs.



(NITYANANDA PRUSTY)
MEMBER (JUDL.)



VICE-CHAIRMAN

12/12/2001

KNM/CM.

Free copies of final order dt. 12/12/01 issued to counsel for both sides.

DR
17/12/01

DR
19-12-2001